

**STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL**

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**RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA**

**Michael L. Jackson  
Assistant Attorney General**

**HEALTH & HUMAN RESOURCES  
LEGAL DIVISION**

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September 10, 2010

Honorable Rory L. Perry, II, Clerk  
West Virginia Supreme Court of Appeals  
State Capitol - Room E-317  
Charleston, West Virginia 25305

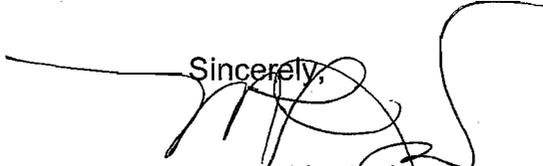
**APPELLEE'S RESPONSE TO APPELLANTS' BRIEF**

**Re: In re: Cecil T.  
Docket No. 35659  
(Underlying Case Logan County Circuit Court)  
Docket No. 09-JA-21**

Dear Mr. Perry:

The Department of Health and Human Resources agrees with the Appellants' representations regarding the kind of proceeding and the nature of the rulings conducted in the Circuit Court of Logan County below, the Appellants' representations regarding findings of fact made in the Circuit Court of Logan County below, the nature of the three assignments of error made by the Appellants, the Appellants' delineation of the appropriate standard of review, and concurs with the argument made by the Appellants.

Sincerely,

  
Michael L. Jackson  
Assistant Attorney General  
Region II

MLJ:sej

Enclosure

cc: Jane Moran, Esq.

**CERTIFICATE OF SERVICE**

**BEFORE THE WEST VIRGINIA SUPREME COURT OF APPEALS  
AT CHARLESTON  
DOCKET NO. 35659**

**IN RE:        CECIL T.  
               D.O.B.**

**LOGAN COUNTY CIRCUIT COURT  
DOCKET NO. 09-JA-21**

**CERTIFICATE OF SERVICE**

I, Michael L. Jackson, Assistant Attorney General, and counsel for the West Virginia Department of Health and Human Resources, do hereby certify that on this 8th day of September, 2010, I served a copy of the foregoing **APPELLEE'S RESPONSE TO APPELLANTS' BRIEF**", upon the following individual(s) by United States Mail, postage prepaid, as follows:

Jane Moran, Esq.  
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A handwritten signature in black ink, appearing to read 'Michael L. Jackson', written over a horizontal line.

MICHAEL L. JACKSON, WV Bar #9507  
ASSISTANT ATTORNEY GENERAL