

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CA10-1305

PATRICIA SMITH

APPELLANT

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES and J.W., MINOR  
APPELLEES

**OPINION DELIVERED** AUGUST 31, 2011

APPEAL FROM THE CRITTENDEN  
COUNTY CIRCUIT COURT  
[NO. JV-2009-196]

HONORABLE RALPH WILSON,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**ROBERT J. GLADWIN, Judge**

The Crittenden County Circuit Court terminated appellant Patricia Smith's parental rights in her minor son, J.W., on September 22, 2010. This is the second attempt by appellant's counsel to file a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Ark. Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Arkansas Supreme Court Rule 6-9(i) (2010), stating that there are no issues of arguable merit for appeal. On April 13, 2011, we denied counsel's motion to withdraw and ordered rebriefing because counsel failed to abstract the hearing on the petition to terminate appellant's parental rights as required by Arkansas Supreme Court Rule 6-9(e)(2)(C), (i)(1)(B) (2010).

Counsel has remedied the problem, and her current motion is accompanied by an abstract, addendum, and brief discussing the sufficiency of the evidence and listing the termination decision as the circuit court's only adverse ruling and explaining why that ruling

is not a meritorious ground for reversal. The clerk of this court sent copies of counsel's motion and brief to appellant at the address counsel provided in the certificate of service in the motion to be relieved, informing her that she had the right to file pro se points for reversal. The packet was returned to the clerk unclaimed after two notices, and appellant has not filed any pro se points. Neither the Arkansas Department of Human Services nor the ad litem attorney has chosen to file a brief; however, both have filed letters pursuant to Arkansas Supreme Court Rule 6-9(i)(2) (2010) stating that they concur that the appeal has no merit.

After carefully examining the record and the brief presented to us, we conclude that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit appeals in termination cases and that the appeal is wholly without merit. Accordingly, we affirm by memorandum opinion the order terminating appellant's parental rights in J.W. See *In re Memorandum Opinions*, 16 Ark. App. 301, 700 S.W.2d 63 (1985); Ark. Sup. Ct. R. 5-2(e) (2010). Counsel's motion to withdraw is granted.

Affirmed; motion to withdraw granted.

PITTMAN and BROWN, JJ., agree.