

Cite as 2010 Ark. App. 768

ARKANSAS COURT OF APPEALS

DIVISION II

No. CA10-686

JOSEPH ALLEN HENRY

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR CHILD
APPELLEES

Opinion Delivered November 17, 2010

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[No. JV-10-115-3]

HONORABLE JAY T. FINCH, JUDGE

AFFIRMED; MOTION GRANTED

LARRY D. VAUGHT, Chief Judge

A Benton County Circuit Court granted appellee Arkansas Department of Human Services' petition to terminate appellant Joseph Allen Henry's parental rights to his minor son, H.B., based on a finding of aggravated circumstances—that the child was conceived after Henry raped his girlfriend's fourteen-year-old daughter. Pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004) (*Linker-Flores I*) and Rule 6-9(i) of the Rules of the Arkansas Supreme Court and Court of Appeals, Henry's counsel has tendered a motion to withdraw on the ground that an appeal is wholly without merit. The motion was accompanied by a brief purportedly presenting a thorough and professional evaluation of the record and discussing all matters in the record that might arguably support an appeal, including the adverse rulings, and a statement as to why counsel considers each point raised as incapable of supporting a meritorious appeal. The clerk of this court sent a certified copy of counsel's brief

and motion to Henry and notified him of his right to file pro se points for reversal. Henry has elected to file pro se points.

In his pro se points for reversal, Henry alleges, as he did below, that H.B. was not the product of rape. Instead, Henry claims his “miracle child” was conceived after C.B. impregnated herself with Henry’s semen using an eyedropper. He further explains that because he is now serving a substantial sentence for raping the child’s mother, he is not in a position to harm the child and therefore termination is premature. Finally, he makes an in-depth, ineffective-assistance-of-counsel argument. However, he fails to raise any argument that would support reversing the trial court’s decision to terminate his parental rights. Therefore, we hold that Henry’s pro se points lack merit.

After careful review of the record in accordance with Rule 6–9(i) of the Rules of the Arkansas Supreme Court and Court of Appeals, we hold that an appeal of the termination of Henry’s parental rights lacks merit and that the termination of his parental rights should be affirmed. We, therefore, grant counsel’s motion to be relieved.

Affirmed; counsel’s motion to be relieved as counsel granted.

GLADWIN and HENRY, JJ., agree.