

Cite as 2018 Ark. App. 432
ARKANSAS COURT OF APPEALS

DIVISION II
No. CV-18-254

BREONNA HOGUE

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES AND MINOR
CHILDREN

APPELLEES

Opinion Delivered: September 19, 2018

APPEAL FROM THE JOHNSON
COUNTY CIRCUIT COURT
[NO. 36JV-16-38]

HONORABLE KEN D. COKER,
JR., JUDGE

REBRIEFING ORDERED; MOTION
TO WITHDRAW DENIED

WAYMOND M. BROWN, Judge

The Johnson County Circuit Court terminated the parental rights of appellant Breonna Hogue to her three children, I.H. (DOB 12-17-15), S.H. (DOB 11-13-14), and J.H. (DOB 08-22-13). Hogue's counsel has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*¹ and Arkansas Supreme Court Rule 6-9(i),² contending that there are no meritorious grounds to support an appeal. The clerk of our court mailed a certified copy of counsel's motion and brief to appellant,

¹ 359 Ark. 131, 194 S.W.3d 739 (2004).

² (2017).

informing her of her rights to file pro se points for reversal. Appellant has not filed any pro se points for reversal. We order rebriefing and deny counsel's motion to withdraw.

In this appeal, thirty-four pages of the seventy-eight-page abstract have testimony in the question-and-answer format, which is against our rules. Arkansas Supreme Court Rule 4-2(a)(5)(B)³ clearly mandates that the question-and-answer format shall not be used in an abstract, except in extraordinary instances where the exchange simply cannot be condensed without losing important meaning. Such is not the case in this appeal. Therefore, this deficiency must be corrected.

Appellant's conclusion is as follows:

Based on a diligent study of the record, appellate counsel for Shelby Murphy, in her professional judgment, believes that the record clearly and convincingly supports the decision of the trial court to terminate Shelby's parental rights. The statutory requirements were met, and the evidence presented at the hearing established that the child could not be returned to Shelby within a time period consistent with her developmental needs, if ever. Thus, the court did not err in terminating Shelby's parental rights.

It is clear that this conclusion is for someone other than the appellant in this case. Therefore, counsel will need to correct this error.⁴

We order rebriefing due to these deficiencies. A substituted abstract, brief, and addendum is due within fifteen days from the date of this opinion.⁵ The deficiencies

³ (2017).

⁴ Appellant was also referred to as Brittany in at least one instance in the argument.

⁵ See Ark. Sup. Ct. R. 4-2(b)(3).

listed are not exhaustive. We encourage counsel to review our rules to ensure that no other deficiencies are present.

Rebriefing ordered; motion to withdraw denied.

GRUBER, C.J., and WHITEAKER, J., agree.

Tina Bowers Lee, Arkansas Public Defender Commission, for appellant.

One brief only.