

Opinion filed July 14, 2017



In The
Eleventh Court of Appeals

No. 11-17-00014-CV

IN THE INTEREST OF F.A., A CHILD

**On Appeal from the 42nd District Court
Callahan County, Texas
Trial Court Cause No. 20445**

MEMORANDUM OPINION

This is an appeal from an order in which the trial court terminated the parental rights of the mother and the father of F.A. The mother filed a notice of appeal. We dismiss the appeal.

The mother's court-appointed counsel has filed a motion to withdraw and a supporting brief in which she professionally and conscientiously examines the record and applicable law and concludes that the appeal is frivolous. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. See *In re Schulman*, 252 S.W.3d 403, 406–08 (Tex. Crim.

App. 2008); *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978). In light of a recent holding by the Texas Supreme Court, however, an *Anders* motion to withdraw “may be premature” if filed in the court of appeals under the circumstances presented in this case. *See In re P.M.*, No. 15-0171, 2016 WL 1274748, at *3 (Tex. Apr. 1, 2016). The court in *P.M.* stated that “appointed counsel’s obligations can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief.” *Id.*

Appellant’s counsel provided Appellant with a copy of the brief, the motion to withdraw, and an explanatory letter. Counsel also informed Appellant of her right to review the record and file a pro se response to counsel’s brief. In compliance with *Kelly v. State*, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014), counsel provided Appellant with a copy of the appellate record. We conclude that Appellant’s counsel has satisfied her duties under *Anders*, *Schulman*, and *Kelly*.

We note that Appellant filed a pro se response to counsel’s *Anders* brief, and we have reviewed that response. Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record in this cause, and we agree that the appeal is without merit and should be dismissed. *See Schulman*, 252 S.W.3d at 409. However, in light of *P.M.*, we deny the motion to withdraw that was filed by Appellant’s court-appointed counsel. *See P.M.*, 2016 WL 1274748, at *3.

Counsel’s motion to withdraw is denied, and the appeal is dismissed.

PER CURIAM

July 14, 2017

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.