

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00331-CV

IN THE INTEREST OF L.M.-A., Jr.

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2007-PA-02002
Honorable Richard Garcia, Judge Presiding

Opinion by: Phylis J. Speedlin, Justice

Sitting: Alma L. López, Chief Justice
Karen Angelini, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: October 29, 2008

AFFIRMED

Carolina S. seeks to appeal the trial court's termination of her parental rights to her minor child, L.M.-A., Jr., and challenges the trial court's finding that her appeal is frivolous. *See* TEX. FAM. CODE ANN. § 263.405(d)(3), (g) (Vernon Supp. 2008). We affirm the judgment of the trial court.

Carolina's court-appointed appellate attorney has filed a brief representing that he has conducted a professional evaluation of the record and determined the appellate points are without merit. Counsel concludes the appeal is frivolous. The brief meets the requirement of *Anders v. California*, 386 U.S. 738 (1967). *See In re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, at *4 (Tex. App.—San Antonio May 21, 2003, order) (applying *Anders* procedure to appeals from orders

terminating parental rights), *disp. on merits*, 2003 WL 22080522 (Tex. App.—San Antonio Sept. 10, 2003, no pet.). In compliance with the procedure in *Anders*, counsel delivered a copy of counsel’s brief to Carolina, who was advised of her right to examine the record and to file her own *pro se* brief if she disagreed with counsel’s determination regarding the merits of the appeal. *See Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.). No *pro se* brief was filed. Carolina’s attorney has also filed a motion to withdraw.

We have reviewed the record on appeal and counsel’s brief, and we agree that the appellate points do not present a substantial question for appellate review, and are therefore frivolous. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 13.003(b) (Vernon 2002); *see also* TEX. FAM. CODE ANN. § 263.405(d)(3) (incorporating section 13.003(b) by reference). Accordingly, we affirm the trial court’s judgment, and grant appellate counsel’s motion to withdraw. *Nichols*, 954 S.W.2d at 85-86.

Phylis J. Speedlin, Justice