

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



MEMORANDUM OPINION

No. 04-08-00404-CV

IN THE INTEREST OF J.M., et al., Children

From the 225th Judicial District Court, Bexar County, Texas
Trial Court No. 2007-PA-00351
Honorable Charles E. Montemayor, Judge Presiding

Opinion by: Phylis J. Speedlin, Justice

Sitting: Catherine Stone, Justice
Karen Angelini, Justice
Phylis J. Speedlin, Justice

Delivered and Filed: November 26, 2008

AFFIRMED

Marlin M. seeks to appeal the trial court's termination of her parental rights to her three minor children, 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.

Marlin'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 requirements 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 Marlin, 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.). Marlin filed a *pro se* brief. Marlin’s attorney has also filed a motion to withdraw.

We have reviewed the record on appeal, counsel’s brief, and Marlin’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