

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-01-00411-CV

In the Matter of E.T.

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT
NO. J-16,230, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

On May 29, 2001, the State filed a motion to modify disposition alleging that E.T. violated the terms of his probation. On June 6, the district court, sitting as a juvenile court, held a hearing on the State's modification motion and ruled that E.T. violated the terms of his probation and engaged in delinquent conduct. The court conducted a disposition hearing and committed E.T. to the Texas Youth Commission. E.T. appealed. *See* Tex. Fam. Code Ann. § 56.01(c)(1)(C) (West Supp. 2002).

E.T.'s appointed counsel on appeal filed a brief asserting that the appeal is frivolous. The brief complies with the requirements for such briefs discussed in *In re D.A.S.*, 973 S.W.2d 296 (Tex. 1998); and more generally, in *Anders v. California*, 386 U.S. 738 (1967). Counsel states that he has diligently examined the record and researched the law applicable to the facts and issues in the case. Counsel's brief contains a professional evaluation of the record demonstrating why there are no meritorious errors to be advanced. A copy of counsel's brief was delivered to E.T. and to his guardian, and they were advised of their right to examine the appellate record and to file a *pro se* brief. A *pro se* brief was not filed. We have independently reviewed the record and agree with counsel that the appeal is frivolous.

We grant counsel's motion to withdraw from the case and affirm the juvenile court's order modifying the probation judgment of delinquency and the court's order modifying the probation disposition to a disposition of commitment to the Texas Youth Commission.

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Lee Yeakel, Justice

Before Chief Justice Aboussie, Justices B. A. Smith and Yeakel

Affirmed

Filed: April 18, 2002

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