

NO. 12-07-00378-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>THE STATE OF TEXAS FOR</i>	§	<i>APPEAL FROM THE</i>
<i>THE BEST INTEREST AND</i>	§	<i>COUNTY COURT OF</i>
<i>PROTECTION OF M.D.B.</i>	§	<i>SMITH COUNTY, TEXAS</i>

MEMORANDUM OPINION

PER CURIAM

M.D.B. appeals from an order of commitment for temporary inpatient mental health services. After a jury trial, the trial court ordered M.D.B. committed to Rusk State Hospital for a period not to exceed ninety days. M.D.B.'s counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). We affirm.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

M.D.B.'s counsel filed a brief in compliance with *Anders* and *Gainous*, stating that he has diligently reviewed the appellate record and is of the opinion that the record reflects no reversible error and that there is no error upon which an appeal can be predicated. He further relates that he is well acquainted with the facts in this case. See *In re L.E.H.*, 228 S.W.3d 219, 220 (Tex. App.—San Antonio 2007, no pet.) (applying *Anders* procedure in appeal from court ordered mental health commitment). In compliance with *Anders*, *Gainous*, and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978), M.D.B.'s brief presents a chronological summation of the procedural history of

the case, and further states that M.D.B.'s counsel is unable to raise any arguable issues for appeal.¹ We have likewise reviewed the record for reversible error and have found none.

CONCLUSION

As required by *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991), M.D.B.'s counsel has moved for leave to withdraw. We carried the motion for consideration with the merits of the appeal. Having done so and finding no reversible error, M.D.B.'s counsel's motion for leave to withdraw is hereby **granted** and the trial court's order of commitment for temporary inpatient mental health services is **affirmed**.

Opinion delivered July 31, 2008.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)

¹ Counsel for M.D.B. certified in his motion to withdraw that he provided M.D.B. with a copy of his brief and that M.D.B. was given time to file his own brief in this cause. The time for filing such a brief has expired and we have received no pro se brief.