



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

IN THE MATTER OF	§	No. 08-17-00022-CV
O.D.A.,	§	Appeal from the
A JUVENILE	§	323rd District Court
	§	of Tarrant County, Texas
	§	(TC# 323-99471-J13)
	§	

MEMORANDUM OPINION

Appellant, O.D.A., appeals from an order transferring him to the Texas Department of Criminal Justice-Institutional Division. We affirm.

FACTUAL SUMMARY

In 2014, a jury found that Appellant had engaged in delinquent conduct by committing the offenses of aggravated sexual assault of a child and aggravated sexual assault of a child with a deadly weapon, and the trial court placed Appellant on juvenile probation for three years. On June 15, 2015, the trial court found that Appellant had violated the terms and conditions of juvenile probation by being unsuccessfully discharged from court-ordered treatment. The court revoked Appellant's probation and sentenced him to serve a determinate sentence of ten years in the Texas Juvenile Justice Department (TJJD) with a possible transfer to TDCJ-ID. On November 30, 2016, the trial court conducted a transfer/release hearing in accordance with Section 54.11 of the Texas

Family Code¹ and determined that Appellant would be transferred to TDCJ-ID. Appellant filed notice of appeal from the transfer order.

FRIVOLOUS APPEAL

Appellant's court-appointed counsel has filed a brief in which he has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. State of California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. *See In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex.Crim.App. 2008) ("In Texas, an *Anders* brief need not specifically advance 'arguable' points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities."); *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978). The requirements of *Anders* apply to appeals from juvenile-delinquency proceedings. *In re D.A.S.*, 973 S.W.2d 296, 298-99 (Tex. 1998)(orig. proceeding).

Counsel has notified the Court in writing that he has delivered a copy of counsel's brief and the motion to withdraw to Appellant, and he has advised Appellant of his right to review the record, file a *pro se* brief, and to seek discretionary review. *Kelly v. State*, 436 S.W.3d 313, 318-20 (Tex.Crim.App. 2014)(setting forth duties of counsel). Counsel also provided Appellant with a form motion for access to the appellate record. Appellant has not requested access to the record and he has not filed a *pro se* brief.

We have carefully reviewed the record and counsel's brief, and we agree that the appeal is

¹ TEX.FAM.CODE ANN. § 54.11 (West Supp. 2016).

wholly frivolous and without merit. Further, we find nothing in the record that might arguably support the appeal. The judgment of the trial court is affirmed.

July 7, 2017

ANN CRAWFORD McCLURE, Chief Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.