

Opinion filed February 2, 2017



In The

Eleventh Court of Appeals

No. 11-16-00306-CV

**IN THE INTEREST OF A.A.C., M.A.V.M.,
AND S.Z.A., CHILDREN**

**On Appeal from the 358th District Court
Ector County, Texas
Trial Court Cause No. D-3511-PC**

MEMORANDUM OPINION

This is an appeal from an order in which the trial court terminated the parental rights of the parents of A.A.C., M.A.V.M., and S.Z.A. The children's mother filed a notice of appeal. We dismiss the appeal.

The mother's court-appointed counsel has filed a motion to withdraw and a supporting brief in which he professionally and conscientiously examines the record and applicable law and concludes that the appeal is frivolous and presents no issues of arguable merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating

why there are no arguable grounds to be advanced. *See In re Schulman*, 252 S.W.3d 403, 406–08 (Tex. Crim. App. 2008); *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978). In light of a recent holding by the Texas Supreme Court, however, an *Anders* motion to withdraw “may be premature” if filed in the court of appeals under the circumstances presented in this case. *See In re P.M.*, No. 15-0171, 2016 WL 1274748, at *3 (Tex. Apr. 1, 2016). The court in *P.M.* stated that “appointed counsel’s obligations can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief.” *Id.*

Counsel provided Appellant with a copy of the brief, the motion to withdraw, and an explanatory letter. Counsel also informed Appellant of her right to review the record and file a pro se response to counsel’s brief. In compliance with *Kelly v. State*, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014), counsel provided Appellant with a copy of both the reporter’s record and the clerk’s record. We conclude that Appellant’s counsel has satisfied his duties under *Anders*, *Schulman*, and *Kelly*. We note that Appellant did not file a pro se response to counsel’s *Anders* brief.

Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, and we agree that the appeal is without merit and should be dismissed. *See Schulman*, 252 S.W.3d at 409. However, in light of *P.M.*, we deny the motion to withdraw that was filed by Appellant’s court-appointed counsel. *See P.M.*, 2016 WL 1274748, at *3.

Counsel’s motion to withdraw is denied, and the appeal is dismissed.

PER CURIAM

February 2, 2017

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.