



In The
Eleventh Court of Appeals

No. 11-17-00092-CV

**IN THE INTEREST OF C.P.D.W., K.W., C.J.M., AND K.D.W.,
CHILDREN**

**On Appeal from the 29th District Court
Palo Pinto County, Texas
Trial Court Cause No. C46923**

MEMORANDUM OPINION

This is an appeal from an order in which the trial court terminated the parental rights of the mother of C.P.D.W., K.W., C.J.M., and K.D.W., and the rights of the father of K.D.W. The mother and father both filed a notice of appeal. We dismiss the appeal.

The mother's court-appointed counsel and the father's court-appointed counsel have each filed a motion to withdraw and a supporting brief in which they professionally and conscientiously examine the record and applicable law and conclude that the respective appeals are frivolous. The briefs meet 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.*, 520 S.W.3d 24, 27 (Tex. 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.* at 27–28.

The mother’s counsel provided her with a copy of the brief, the motion to withdraw, and an explanatory letter. The father’s counsel provided him with a copy of the brief, the motion to withdraw, and an explanatory letter. Each counsel also informed his respective client of the 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), each counsel provided his respective client with a prepared motion to file in this court to obtain pro se access to the appellate record. We conclude that Appellants’ counsel have satisfied their duties under *Anders*, *Schulman*, and *Kelly*. We note that Appellant mother did not file in this court the pro se motion for access to the appellate record. Nor did she file a pro se response to her counsel’s *Anders* brief.

We note that Appellant father filed a pro se response to his counsel’s *Anders* brief, and we have reviewed that response. Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record in this cause, and we agree that the appeals are without merit and should be dismissed. *See Schulman*, 252 S.W.3d at 409. However, in light of *P.M.*, we deny the motions to withdraw that were filed by Appellants’ court-appointed counsels. *See P.M.*, 520 S.W.3d at 27.

Counsels' motions to withdraw are denied, and the appeal is dismissed.

PER CURIAM

August 31, 2017

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