

Opinion filed August 8, 2019



In The
Eleventh Court of Appeals

No. 11-19-00133-CV

IN THE INTEREST OF A.J., A CHILD

**On Appeal from the 91st District Court
Eastland County, Texas
Trial Court Cause No. CV1844792**

MEMORANDUM OPINION

This is an appeal from a final order in which the trial court terminated the parental rights of A.J.'s mother and unknown father. *See* TEX. FAM. CODE ANN. § 161.001 (West Supp. 2018). The mother filed a notice of appeal. We affirm.

Appellant's court-appointed counsel has filed a brief in which he professionally and conscientiously examines the record and applicable law and concludes that this appeal is without merit and is wholly frivolous. 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 the Texas Supreme Court’s holding in *In re P.M.*, 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.

Appellant’s counsel provided Appellant with a copy of the brief. Appellant was informed 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 the complete appellate record. We conclude that Appellant’s counsel has satisfied his duties under *Anders*, *Schulman*, and *Kelly*.

We note that Appellant has not filed a pro se response to counsel’s *Anders* brief. Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record in this cause, and we agree that the appeal is frivolous.

Accordingly, we affirm the trial court’s order of termination.

PER CURIAM

August 8, 2019

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.