

Opinion issued December 11, 2014



**In The
Court of Appeals
For The
First District of Texas**

NO. 01-14-00489-CV

NO. 01-14-00490-CV¹

**IN THE INTEREST OF K.P.M., K.S.M., AND K.W.M., CHILDREN
IN THE INTEREST OF K.P.M., CHILD**

**On Appeal from the 247th District Court
Harris County, Texas
Trial Court Cause Nos. 2007-23177 and 2012-73293**

MEMORANDUM OPINION

In these consolidated appeals, the mother, T.L.T., appeals the trial court's final orders terminating her parental rights to her four minor children, K.P.M.,

¹ Appellate cause no. 01-14-00489-CV; trial court cause no. 2007-23177.
Appellate cause no. 01-14-00490-CV; trial court cause no. 2012-73293.

K.S.M., and K.W.M. in appellate cause number 01-14-00489-CV, and K.P.M. in appellate cause number 01-14-00490-CV.² Appellant's appointed counsel has filed a motion to withdraw, along with an *Anders* brief, asserting that both appeals are without merit and that there are no arguable grounds for reversal. *See Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967). We affirm the trial court's judgments and grant counsel's motion to withdraw in each appeal.

The procedures set forth in *Anders* are applicable to an appeal from a trial court's order terminating parental rights when, as here, appellant's appointed appellate counsel concludes that there are no non-frivolous issues to assert on appeal. *See In re D.D.*, 279 S.W.3d 849, 849–50 (Tex. App.—Dallas 2009, pet. denied); *In re D.E.S.*, 135 S.W.3d 326, 329 (Tex. App.—Houston [14th Dist.] 2004, no pet.); *In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

Counsel has filed an *Anders* brief in which he concludes that, after a thorough review of the record, appellant's appeals of the termination of her parental rights are frivolous and without merit. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400; *In re D.E.S.*, 135 S.W.3d at 327, 330; *In re K.D.*, 127 S.W.3d at 67. Counsel's brief meets the minimum *Anders* requirements by presenting a professional evaluation of the record and stating why there are no arguable grounds

² To protect the identities of the minor children, we have used only the full initials of the minors and their mother. *See* TEX. R. APP. P. 9.8(b)(2).

for reversal on appeal. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400. Here, counsel has certified that he delivered a copy of his motion to withdraw, *Anders* brief, and copies of the records to appellant and has informed her of her right to review the records and file a *pro se* response. *See In re K.D.*, 127 S.W.3d at 67; *see also Kelly v. State*, 436 S.W.3d 313, 322 (Tex. Crim. App. 2014). Appellant has filed a *pro se* response, after receiving an extension to review the records, and appellee filed a brief in response.

We have independently reviewed the entire record in each appeal, and we conclude that no reversible error exists in the records, that there are no arguable grounds for review, and that therefore the appeals are frivolous. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400 (emphasizing that reviewing court—and not counsel—determines, after full examination of proceedings, whether the appeal is wholly frivolous); *In re D.E.S.*, 135 S.W.3d at 330; *In re K.D.*, 127 S.W.3d at 67. We have reviewed counsel’s *Anders* brief, appellant’s *pro se* response and appellee’s brief, and agree with counsel’s assessment that the appeals are frivolous and without merit.

Accordingly, we affirm the judgments of the trial court and grant counsel’s motion to withdraw in each appeal.³ Attorney Tristan H. Longino must

³ Appointed counsel still has a duty to inform appellant of the result of these appeals and notify her that she may, on her own, pursue petitions for review in the Supreme Court of Texas. *See In re K.D.*, 127 S.W.3d at 68 n.3.

immediately send the notice required by Texas Rule of Appellate Procedure 6.5(c) and file a copy of the notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Higley, and Brown.