

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-09-00219-CV

IN THE INTEREST OF J.C.W., III, et al., Children

From the 73rd Judicial District Court, Bexar County, Texas
Trial Court No. 2008-PA-00045
Honorable Charles Montemayor, Judge Presiding

Opinion by: Catherine Stone, Chief Justice

Sitting: Catherine Stone, Chief Justice
Karen Angelini, Justice
Rebecca Simmons, Justice

Delivered and Filed: October 7, 2009

AFFIRMED

After the trial court terminated his parental rights, Joseph C. W. appealed the trial court's order determining that an appeal of the termination order would be frivolous. *See* TEX. FAM. CODE ANN. § 263.405(g) (Vernon 2008). Joseph's court-appointed appellate attorney filed a brief containing a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. Counsel concludes that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). *See In re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, at * 4 (Tex. App.—San Antonio May 21, 2003, no pet.) (applying *Anders* procedure in appeal from termination of parental rights) (mem. op.); *see also In re K.M.*, 98 S.W.3d 774, 775 (Tex. App.—Fort Worth 2003, order) (same).

Counsel certified that a copy of his brief was delivered to Joseph who was advised of his right to examine the record and to file a *pro se* brief. No *pro se* brief has been filed. After reviewing the record, we agree that the appeal is frivolous and without merit. The judgment of the trial court is therefore affirmed, and counsel's motion to withdraw is granted.

Catherine Stone, Chief Justice