

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



MEMORANDUM OPINION

No. 04-09-00251-CV

**IN THE INTEREST OF A.V.S., A.M.J.S.,
and D.A.A., Minor Children**

From the 225th Judicial District Court, Bexar County, Texas
Trial Court No. 2008-PA-00277
Honorable Peter Sakai, Judge Presiding¹

Opinion by: Marialyn Barnard, Justice

Sitting: Sandee Bryan Marion, Justice
Rebecca Simmons, Justice
Marialyn Barnard, Justice

Delivered and Filed: April 7, 2010

MOTION TO WITHDRAW GRANTED; AFFIRMED

Craig Anderson appeals the trial court's judgment terminating his parental rights to D.A.A., and its order finding his appellate points frivolous. *See* TEX. FAM. CODE ANN. § 263.405(d)(3) (Vernon Supp. 2009). Appellant's court-appointed appellate attorney has filed a motion to withdraw and a brief containing a professional evaluation of the record demonstrating there are no arguable grounds to be advanced and concluding the appeal is frivolous. 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, *4 (Tex. App.—San Antonio May 21, 2003, order) (applying *Anders* procedure to appeals

¹[▲](#) The Honorable Peter Sakai is the presiding judge of the 225th District Court. The order of termination was signed by the Honorable Charles Montemayor, Associate Judge.

from orders terminating parental rights), *disp. on merits*, 2003 WL 22080522 (Tex. App.–San Antonio Sept. 10, 2003, no pet.) (mem. op.). Appellant was provided a copy of the brief and informed of his right to file his own brief. *See Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.–San Antonio, July 23, 1997, no pet.); *In re R.R.*, 2003 WL 21157944, at *4. Appellant did not file a *pro se* brief.

We have reviewed the record and the attorney’s brief and we agree with counsel that the appellate points do not present a substantial question for appellate review. *See* TEX. CIV. PRAC. & REM. CODE ANN. §13.003(b) (Vernon 2002); TEX. FAM. CODE ANN. § 263.405(d)(3) (incorporating section 13.003(b) by reference). Accordingly, we hold the trial court did not abuse its discretion in finding the points of appeal to be frivolous. We grant the motion to withdraw and affirm the trial court’s judgment.

Marialyn Barnard, Justice