

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



**MEMORANDUM OPINION**

No. 04-09-00536-CV

**IN THE INTEREST OF E.V.A. and L.D.A., Minor Children**

From the 285th Judicial District Court, Bexar County, Texas  
Trial Court No. 2008-PA-02297  
Honorable Richard Garcia, Judge Presiding

Opinion by: Marialyn Barnard, Justice

Sitting: Catherine Stone, Chief Justice  
Phylis J. Speedlin, Justice  
Marialyn Barnard, Justice

Delivered and Filed: April 7, 2010

**MOTION TO WITHDRAW GRANTED; AFFIRMED**

Daniel Alfaro appeals the trial court's judgment terminating his parental rights to E.V.A. and L.D.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 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