

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



MEMORANDUM OPINION

No. 04-10-00004-CV

IN THE INTEREST OF B.A.H., a Minor Child

From the 131st Judicial District Court, Bexar County, Texas
Trial Court No. 2009-PA-00256
Honorable Richard H. Garcia, Judge Presiding


Opinion by: Phylis J. Speedlin, Justice

Sitting: Catherine Stone, Chief Justice
Phylis J. Speedlin, Justice
Steven C. Hilbig, Justice

Delivered and Filed: July 21, 2010

AFFIRMED

Derrick O. seeks to appeal the trial court's termination of his parental rights to his minor child, B.A.H.,¹ and challenges the trial court's finding that his appeal is frivolous. *See* TEX. FAM. CODE ANN. § 263.405(d)(3), (g) (Vernon 2008). Derrick's court-appointed appellate attorney has filed a brief representing that he has conducted a professional evaluation of the record and determined the appellate points are without merit. Counsel concludes 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-

¹ To protect the privacy of the parties in this case, we identify the child by initials and the child's father by his first name only. *See* TEX. FAM. CODE ANN. § 109.002(d) (Vernon 2008).

03-00096-CV, 2003 WL 21157944, at *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.). In compliance with the procedure in *Anders*, counsel delivered a copy of counsel’s brief to Derrick, who was advised of his right to examine the record and to file his own *pro se* brief if he disagreed with counsel’s determination regarding the merits of the appeal. *See Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.). No *pro se* brief was filed. Derrick’s attorney has also filed a motion to withdraw.

We have reviewed the record on appeal and counsel’s brief, and we agree that the appellate points do not present a substantial question for appellate review, and are therefore frivolous. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 13.003(b) (Vernon 2002); *see also* TEX. FAM. CODE ANN. § 263.405(d)(3) (incorporating section 13.003(b) by reference). Accordingly, we affirm the trial court’s judgment, and grant appellate counsel’s motion to withdraw. *Nichols*, 954 S.W.2d at 85-86.

Phylis J. Speedlin, Justice