

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



MEMORANDUM OPINION

No. 04-10-00376-CV

In the **INTEREST OF S.D.B., D.N.B. III, & E.F.B., Children**

From the 408th Judicial District Court, Bexar County, Texas

Trial Court No. 2009-PA-00790

Honorable Richard Garcia, Associate Judge Presiding¹

Opinion by: Marialyn Barnard, Justice

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: September 8, 2010

MOTION TO WITHDRAW GRANTED; AFFIRMED

Shurite Banda, also known as Shurite de la Pena, appeals the trial court's judgment terminating her parental rights to S.D.B., D.N.B. III, and E.F.B., and its order finding her appellate points frivolous. *See* TEX. FAM. CODE ANN. § 263.405(d)(3) (Vernon 2008). 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

¹The Honorable Larry Noll is the presiding judge of the 408th Judicial District Court, Bexar County, Texas. However, the orders that are the subject of this appeal were signed by the Honorable Richard Garcia, Associate Judge, Bexar County, Texas.

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 her right to file her 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