



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-14-00305-CV

**IN THE INTEREST OF S.O.J.P. and G.M.E., Children**

From the 438th Judicial District Court, Bexar County, Texas  
Trial Court No. 2013-PA-01294  
Honorable Charles E. Montemayor, Judge Presiding<sup>1</sup>

Opinion by: Marialyn Barnard, Justice

Sitting: Catherine Stone, Chief Justice  
Marialyn Barnard, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: July 23, 2014

**MOTION TO WITHDRAW GRANTED; AFFIRMED**

Appellant father, J.P., appeals the trial court's judgment terminating his parental rights to his children, S.O.J.P. and G.M.E. The Texas Department of Family and Protective Services ("the Department") moved to have appellant's parental rights terminated on a variety of grounds. *See* TEX. FAM. CODE ANN. §§ 161.001(1)(A)-(I), (K), (M)-(Q); 161.003(a) (West 2014). After a bench trial, the trial court found appellant's parental rights should be terminated because he: (1) constructively abandoned his children; and (2) failed to comply with the provision of a court order that established the actions necessary for him to obtain the return of his children. *See* TEX. FAM.

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<sup>1</sup> The Honorable Gloria Saldaña is the presiding judge of the 438th Civil District Court. However, the order of termination was signed by Associate Judge Charles Montemayor.

CODE ANN. §§ 161.001(1)(N), (O). The trial court also determined termination would be in the best interest of the child. *Id.* § 161.001(2).

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's appointed appellate counsel advised that he sent a copy of the brief and a letter informing appellant of his right to file his own brief to appellant's last known address. *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. This court attempted to contact appellant at two different addresses, but all mail has been returned as "undeliverable." 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. Accordingly, we hold the trial court did not err in terminating appellant's parental rights. We grant the motion to withdraw and affirm the trial court's judgment. *See In re J.D.L.*, No. 04-11-00055-CV, 2011 WL 3328719, at \*1 (Tex. App.—San Antonio Aug. 3, 2011, no pet.) (mem. op.) (affirming judgment despite inability to inform appellant of rights pursuant to *Anders*).

Marialyn Barnard, Justice