In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-10-00526-CV

IN THE INTEREST OF A.C.A. AND C.D.B.

On Appeal from the 359th District Court
Montgomery County, Texas
Trial Cause No. 09-11-11481 CV

MEMORANDUM OPINION

T.A.A. appeals from an order terminating her parental rights to the minor children A.C.A. and C.D.B. The trial court found, by clear and convincing evidence, that statutory grounds existed for the termination and that termination of T.A.A.'s parental rights would be in the best interest of the children. *See* Tex. Fam. Code Ann. § 161.001(1)(D), (E), (2) (West Supp. 2010).

T.A.A.'s court-appointed appellate counsel submitted a brief in which counsel concludes that there are no arguable grounds to be advanced on appeal. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *In the Interest of L.D.T.*, 161 S.W.3d 728, 731 (Tex. App.—Beaumont 2005, no pet.). The brief provides counsel's professional evaluation of the record. Counsel served appellant with a copy of the *Anders* brief, moved to withdraw, and requested that T.A.A. be provided with an

opportunity to file a *pro se* response. On April 7, 2011, we granted a forty-day extension of time for filing a *pro se* brief.

T.A.A. subsequently filed a *pro se* brief, in which she argues that the evidence was legally and factually insufficient "due to conflicting testimony offered by appellee's witnesses as to the facts of the case." In her brief, T.A.A. alleges that the testimony was inconsistent with respect to how C.D.B. was injured, how much progress she had made toward protecting the children, whether she had intended to continue living with the man who allegedly injured C.D.B., whether T.A.A. saw the abuse of C.D.B., whether A.C.A. or C.D.B. was involved in a 2004 case with Child Protective Services, and the attitude and demeanor of the man with whom she was living during the home study.

An appellate court cannot weigh issues of credibility that depend on the appearance and demeanor of the witnesses, for that is the province of the finder of fact. *In re J.P.B.*, 180 S.W.3d 570, 573 (Tex. 2005). In addition, when credibility issues appear in the appellate record, we must defer to the fact finder's determinations as long as they are not unreasonable. *Id.*

We have reviewed counsel's brief, T.A.A.'s *pro se* brief, and the trial court record. We conclude that no arguable grounds for appeal exist, and we therefore affirm the judgment of the trial court. We grant appellate counsel's motion to withdraw.[1]

AFFIRMED.

[1] In connection with withdrawing from the case, counsel shall inform T.A.A. of the result of this appeal and that she has a right to file a petition for review with the Texas Supreme Court. *See* Tex. R. App. P. 53; *In the Interest of K.D.*, 127 S.W.3d 66, 68 n.3 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

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STEVE McKEITHEN
Chief Justice

Submitted on August 9, 2011
Opinion Delivered August 25, 2011

Before McKeithen, C.J., Gaultney and Horton, JJ.