



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00304-CV

IN THE MATTER OF S.R.

FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 323-103245J-16

MEMORANDUM OPINION¹

Appellant S.R. was adjudicated delinquent in August 2016 for aggravated robbery with a deadly weapon, a first-degree felony, and placed on six months' probation. See Tex. Penal Code Ann. § 29.03(a)–(b) (West 2011) (providing elements of aggravated robbery and that aggravated robbery is a first-degree

¹See Tex. R. App. P. 47.4.

felony), Tex. Fam. Code Ann. § 54.03 (West 2014) (providing procedures for adjudication hearing), § 54.04 (West Supp. 2017) (providing procedures for disposition hearing). Appellant timely appealed.

Appellant's court-appointed appellate counsel has filed a motion to withdraw as counsel and a brief in support of that motion. In the brief, counsel avers that in his professional opinion, this appeal is frivolous. Counsel's brief and motion meet the requirements of *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), by presenting a professional evaluation of the record demonstrating why there are no reversible grounds on appeal and referencing any grounds that might arguably support the appeal. See *In re D.A.S.*, 973 S.W.2d 296, 297 (Tex. 1998) (orig. proceeding) (holding that *Anders* procedures apply to juvenile appeals).

This court provided Appellant and his mother the opportunity to file a pro se response to the *Anders* brief, but they have not done so. The State also did not file a brief.

When an appellant's court-appointed counsel files a motion to withdraw on the ground that an appeal is frivolous and fulfills the requirements of *Anders*, we must independently examine the record to see if there is any arguable ground that may be raised on the appellant's behalf. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *In re A.H.*, No. 02-16-00320-CV, 2017 WL 1573735, at *1 (Tex. App.—Fort Worth Apr. 27, 2017, no pet.). When determining whether a ground for appeal exists, we consider the record, the

briefs, and any pro se response. *In re Schulman*, 252 S.W.3d 403, 408–09 (Tex. Crim. App. 2008) (orig. proceeding); *A.H.*, 2017 WL 1573735, at *1.

We have carefully reviewed the record and counsel’s brief, we agree with counsel that the appeal is wholly frivolous and without merit, and we find nothing in the record that might arguably support the appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005); *A.H.*, 2017 WL 1573735, at *1. We therefore affirm the trial court’s judgment.

However, for the reasons expressed in the Supreme Court of Texas’s *In re P.M.*, 520 S.W.3d 24, 26–28 (Tex. 2016), and this court’s *A.H.*, 2017 WL 1573735, at *1, we deny counsel’s motion to withdraw.

PER CURIAM

PANEL: PITTMAN, J.; SUDDERTH, C.J.; and GABRIEL, J.

DELIVERED: November 16, 2017