



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-21-00214-CV

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**IN THE MATTER OF B.C.G. AKA B.C.D., A CHILD**

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**On Appeal from the County Court at Law  
Erath County, Texas  
Trial Court No. JV01485, Honorable Blake Thompson, Presiding**

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**October 25, 2022**

**MEMORANDUM OPINION**

**Before QUINN, C.J., and PARKER and DOSS, JJ.**

Appellant, B.C.G. aka B.C.D., a child,<sup>1</sup> appeals from an amended order requiring registration as a sex offender, provided that the registration is not public information and is restricted to use by law enforcement and criminal justice agencies. See TEX. CODE CRIM. PROC. ANN. art. 62.352.<sup>2</sup> Appellant's court-appointed counsel on appeal has filed

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<sup>1</sup> In 2019, when Appellant was approximately thirteen and a half years old, he stipulated to evidence supporting the commission of an aggravated sexual assault of a child younger than six years old. Following an adjudication hearing, the trial court concluded that Appellant had engaged in delinquent conduct. See TEX. FAM. CODE ANN. §§ 51.03(a), 54.03(f).

<sup>2</sup> This appeal was originally filed in the Eleventh Court of Appeals. Pursuant to Section 73.001 of the Texas Government Code, the Supreme Court of Texas transferred the case to this Court. See TEX. GOV'T CODE ANN. § 73.001.

a motion to withdraw, supported by an *Anders*<sup>3</sup> brief. We grant counsel's motion and affirm the trial court's order.

Generally, any person with a reportable conviction or adjudication is required to register as a sex offender. TEX. CODE CRIM. PROC. ANN. art. 62.051. In opposing this requirement, Appellant bore the burden of proving by a preponderance of the evidence that protection of the public is not increased by registration, or that any potential improvement to public safety is clearly outweighed by the anticipated substantial harm that registration would cause the child and the child's family. *In re Z.P.H.*, No. 02-13-00188-CV, 2014 Tex. App. LEXIS 1956, at \*5 (Tex. App.—Fort Worth Feb. 20, 2014, no pet.). The court's determination is reviewed on appeal for an abuse of discretion. TEX. CODE CRIM. PROC. ANN. art. 62.357(b). On appeal, we first review the record to determine whether the trial court had sufficient information upon which to exercise its discretion; the evidence is viewed in the light most favorable to the ruling and assesses whether any rational trier of fact could have reached the decision of the trial court. If the evidence is sufficient, we next assess whether the court made a reasonable decision or an arbitrary one under the circumstances. *Z.P.H.*, 2014 Tex. App. LEXIS 1956 at \*6.

Counsel has certified that he has conducted a conscientious examination of the record and, in his opinion, the record reflects no reversible error on which an appeal can be predicated. *Anders*, 386 U.S. at 744; *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008). See *In re L.H.*, No. 11-17-00348-CV, 2018 Tex. App. LEXIS 6283, at \*1 (Tex. App.—Eastland Aug. 9, 2018, no pet.) (mem. op.) (citing *In re D.A.S.*, 973 S.W.2d 296, 299 (Tex. 1998) (original proceeding) (holding that *Anders* procedures apply to appeals from juvenile proceedings)). In compliance with *High v. State*, 573 S.W.2d 807,

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<sup>3</sup> See *Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

812 (Tex. Crim. App. [Panel Op.] 1978), appointed counsel's brief discusses why, under controlling authorities, the record presents no reversible error. In a letter to Appellant, counsel notified the child, his parents, and the Department of Family and Protective Services of his motion to withdraw; provided each with a copy of the motion, *Anders* brief, and appellate record; and informed them of their right to file a pro se response. See *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014) (specifying appointed counsel's obligations on the filing of a motion to withdraw supported by an *Anders* brief). No response has been filed.

By his *Anders* brief, counsel discusses areas in the record where reversible error may have occurred but concludes that the appeal is frivolous. We have independently examined the record to determine whether there are any non-frivolous issues that were preserved in the trial court which might support an appeal. However, like counsel, we have found no such issues. See *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *In re Schulman*, 252 S.W.3d at 409; *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Following our review of the appellate record and counsel's brief, we conclude there are no plausible grounds for appellate review.

Therefore, we affirm the order and grant counsel's motion to withdraw.<sup>4</sup>

Lawrence M. Doss  
Justice

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<sup>4</sup> Counsel shall, within five days after the opinion is handed down, send appellant and his caseworker a copy of the opinion and judgment, along with notification of appellant's right to file a pro se petition for discretionary review. See TEX. R. APP. P. 48.4. This duty is an informational one, not a representational one. It is ministerial in nature, does not involve legal advice, and exists after the court of appeals has granted counsel's motion to withdraw. *In re Schulman*, 252 S.W.3d at 411 n. 33.