



IN THE
TENTH COURT OF APPEALS

—
No. 10-11-00394-CV

IN THE INTEREST OF D.Y.P., A CHILD,

—
From the 77th District Court
Limestone County, Texas
Trial Court No. CPS-221-A

MEMORANDUM OPINION

Appellant S.V. appeals the trial court's order terminating his parental rights to D.Y.P. S.V.'s court-appointed counsel has filed an *Anders* brief and a motion to withdraw. Appointed counsel asserts that she has diligently reviewed the available record and that, in her opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *In re E.L.Y.*, 69 S.W.3d 838, 841 (Tex. App.—Waco 2002, order) (applying *Anders* to termination appeal).

Although informed of his right to do so, S.V. did not file a *pro se* brief or response to the *Anders* brief.

In an *Anders* case, we must, "after a full examination of all the proceedings, . . . decide whether the case is wholly frivolous." *Anders*, 386 U.S. at 744, 87 S.Ct. at 1400;

accord Stafford v. State, 813 S.W.2d 503, 509-11 (Tex. Crim. App. 1991). An appeal is “wholly frivolous” or “without merit” when it “lacks any basis in law or fact.” *McCoy v. Court of Appeals*, 486 U.S. 429, 439 n.10, 108 S.Ct. 1895, 1902 n.10, 100 L.Ed.2d 440 (1988).

We have conducted an independent review of the record, and because we find this appeal to be wholly frivolous, we affirm the trial court’s order of termination and grant counsel’s motion to withdraw.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Affirmed; Motion granted
Opinion delivered and filed May 30, 2012
[CV06]