



**IN THE
TENTH COURT OF APPEALS**

No. 10-12-00348-CV

IN THE INTEREST OF S.N. AND A.N., CHILDREN,

**From the 74th District Court
McLennan County, Texas
Trial Court No. 2011-1171-3**

MEMORANDUM OPINION

The Department of Family and Protective Services filed a petition to terminate Armando Nevarez's parental rights to his two children, S.N and A.N. A jury found that Nevarez's parental rights should be terminated, and the trial court entered judgment in accordance with the jury verdict. We affirm.

Nevarez's appointed counsel filed an *Anders* brief asserting that he has diligently reviewed the appellate record and that, in his opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738 (1967). The procedures in *Anders* are applicable to appeals from judgments terminating the parent-child relationship. *In re E.L.Y.*, 69 S.W.3d 838, 842 (Tex. App.—Waco 2002, no pet.).

In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [PanelOp.] 1978), counsel has discussed why, under controlling authority, there are no reversible errors in the trial court's judgment. Counsel has informed this Court that he provided Nevarez with a copy of the *Anders* brief and informed Nevarez of his right to obtain a copy of the appellate record. Counsel has also advised Nevarez of his right to file a pro se brief or response. See *Anders*, 386 U.S. at 744, 87 S.Ct. at 1400; *Stafford*, 813 S.W.2d at 510 n.3. More than an adequate period of time has passed, and Nevarez has not filed a pro se response. See *In re Schulman*, 252 S.W.3d 403, 409 (Tex. Crim. App. 2008).

In reviewing an *Anders* appeal, we must, "after a full examination of all the proceedings, ... decide whether the case is wholly frivolous." See *Anders v. California*, 386 U.S. at; 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 (1988). After a review of the entire record in this appeal, we determine the appeal to be wholly frivolous. See *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Accordingly, we affirm the trial court's judgment.

Counsel's request that he be allowed to withdraw from representation of Nevarez is granted. Additionally, counsel must send Nevarez a copy of the opinion and notify him of his right to file a petition for review in the Texas Supreme Court. See *In re K.D.*, 127 S.W.3d 66, 68 n.3 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Affirmed; motion granted
Opinion delivered and filed November 29, 2012
[CV06]