



IN THE
TENTH COURT OF APPEALS

No. 10-13-00230-CV

IN THE INTEREST OF E. A., A CHILD

From the 74th District Court
McLennan County, Texas
Trial Court No. 2012-2707-3

MEMORANDUM OPINION

After Appellant's parental rights to her child E.A. were terminated following a bench trial, Appellant's appointed counsel filed a notice of appeal.

Appellant's counsel has filed an *Anders* brief and a motion to withdraw. Counsel asserts that he has diligently reviewed the record and that, in his 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 her right to do so, Appellant 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 frivolous, we affirm the trial court’s order of termination.

In accordance with *Anders*, counsel has filed a motion to withdraw. We grant counsel’s motion to withdraw.¹ Within five days of the date of this Court’s opinion and judgment, counsel is ordered to send a copy of the opinion and judgment to Appellant and to advise Appellant of her right to pursue a petition for review in the Texas Supreme Court.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed
Opinion delivered and filed November 14, 2013
[CV06]

¹ Any petition for review must be filed within forty-five days after the date of either this opinion or the last ruling by this Court on all timely filed motions for rehearing. *See* TEX. R. APP. P. 53.7(a). Any petition for review must comply with the requirements of Texas Rule of Appellate Procedure 53.2. *See id.* at R. 53.2.