

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-06-00269-CV

Tammy Johns a/k/a Timmy Johns, Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 126TH JUDICIAL DISTRICT
NO. FM5-04270, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

MEMORANDUM OPINION

This is an accelerated appeal from an order terminating the parental rights of appellant Tammy Johns a/k/a Timmy Johns to her minor child, J.A.W.

Attorney for appellant has filed an *Anders* brief, *see Anders v. California*, 386 U.S. 738, 744 (1967), and has informed this Court that she has “diligently reviewed the record” and can find no arguable grounds to be advanced on appeal. This Court has previously held that the procedures set forth in *Anders* are applicable to an appeal of the termination of parental rights when an appointed attorney concludes that there are no non-frivolous issues to assert on appeal. *See Taylor v. Texas Dep’t of Family & Protective Servs.*, 160 S.W.3d 641, 646-47 (Tex. App.—Austin 2005, no pet.); *see also In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.); *Porter v. Texas Dep’t of Protective & Regulatory Servs.*, 105 S.W.3d 52, 56 (Tex. App.—Corpus Christi 2003, no pet.); *In re K.M.*, 98 S.W.3d 774, 777 (Tex. App.—Fort Worth 2003, no pet.). The brief filed by appellant’s attorney meets the requirements of *Anders* by

presenting a professional evaluation of the record and demonstrating that there are no arguable grounds for appeal. *See Anders*, 386 U.S. at 744. The record reflects that appellant's attorney has served a copy of the *Anders* brief on appellant and has informed appellant of her right to file a *pro se* brief. More than thirty days have passed, and appellant has not filed a *pro se* brief.

Upon receiving an *Anders* brief, we must conduct a full examination of all the proceedings to determine whether the case is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the entire record and the *Anders* brief submitted on appellant's behalf, and we have found nothing that would arguably support an appeal. We agree the appeal is frivolous and without merit. Accordingly, we affirm the trial court's decree terminating appellant's parental rights to J.A.W.

In accordance with *Anders*, appellant's attorney has asked permission to withdraw as counsel for appellant. *See Anders*, 386 U.S. at 744. We grant the motion to withdraw. We further order appellant's attorney to notify appellant of the disposition of this appeal and the availability of discretionary review. *See In re K.D.*, 127 S.W.2d at 68 n.3 (citing *Ex parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997) (per curiam)).

Jan P. Patterson, Justice

Before Chief Justice Law, Justices Patterson and Puryear

Affirmed

Filed: November 29, 2006