

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of Q.M.C., a Child

No. 04-22-00152-CV · No. 04-22-00152-CV · Decided May 24, 2022

SUMMARY

The Fourth Court of Appeals of San Antonio addresses appointed counsel’s Anders brief and motion to withdraw in an appeal concerning termination of parental rights. The court granted the appellant until June 13, 2022, to file a pro se brief, permitted the State to respond if necessary, and held counsel’s withdrawal motion in abeyance.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Luz Elena D. Chapa
JURISDICTION	Texas
DECIDED	May 24, 2022
DOCKET	04-22-00152-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from an order terminating parental rights; appointed appellate counsel filed an Anders brief and motion to withdraw, asserting that no meritorious issues existed.
PRECEDENTIAL VALUE	Published

TOPICS

- appellate procedure
- termination of parental rights
- parental rights
- family law procedure

PRACTICE AREAS

- appellate procedure
- family law
- termination of parental rights

QUESTIONS PRESENTED

1. Whether the court should allow appointed appellate counsel to withdraw under Anders procedures before the appellant's opportunity to review the record and file a pro se brief had expired.

HOLDINGS

1. The court ordered appellant to file any pro se brief by June 13, 2022, authorized the State to file a responsive brief if a timely pro se brief was filed, and held counsel's motion to withdraw in abeyance pending further order.

FACTUAL BACKGROUND

The appeal concerns a proceeding involving Q.M.C., a child, and an order terminating parental rights. Appointed appellate counsel concluded that no meritorious appellate issues existed and filed an Anders brief and motion to withdraw. Counsel represented that appellant had been informed of her right to review the record and file a pro se brief, but appellant had not yet filed the provided motion to request the record.

PROCEDURAL HISTORY

The appeal arose from the 57th Judicial District Court of Bexar County, Texas, in a parental-rights termination proceeding. On May 19, 2022, appointed appellate counsel filed an Anders brief and motion to withdraw and certified compliance with notice and record-access requirements. The court ordered the appellant to file any pro se brief by June 13, 2022, permitted the State to respond if a pro se brief was filed, and held the motion to withdraw in abeyance.

DISPOSITION

other

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Kelly v. State, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014)
- In re P.M., 520 S.W.3d 24, 27 n.10 (Tex. 2016) (per curiam)

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