

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

In the Interest of D.S., D.S.M. aka D.M., D.R.K., Children

In the Interest of D.S., D.S.M. aka D.M., D.R.K., Children · No. 01-14-00092-CV; 01-14-00097-CV; 01-14-00098-CV · Decided May 28, 2014

SUMMARY

The First Court of Appeals of Texas affirmed the trial court's orders terminating Ebonee Shantrell Miles's parental rights to three children. The court held that the Anders procedures applied, agreed that the appeals were frivolous and without merit, and granted appointed counsel's motion to withdraw.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Keyes; Justice Bland; Justice Brown
JURISDICTION	Texas
DECIDED	May 28, 2014
DOCKET	01-14-00092-CV; 01-14-00097-CV; 01-14-00098-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from final orders terminating the appellant's parental rights to three minor children. Appointed appellate counsel filed an Anders brief and a motion to withdraw, asserting that the appeals were frivolous and presented no arguable grounds for reversal.
STANDARD OF REVIEW	Independent review of the entire record and appointed counsel's Anders brief to determine whether the appeal presents any nonfrivolous or arguable grounds for reversal.
PRECEDENTIAL VALUE	published
PARTIES	Ebonee Shantrell Miles v. Department of Family and Protective Services

TOPICS

[termination of parental rights](#) [parental rights](#) [family law procedure](#) [appellate procedure](#)

PRACTICE AREAS

[family law](#) [parental rights](#) [termination of parental rights](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the Anders procedures apply to an appeal from an order terminating parental rights when appointed appellate counsel concludes that no nonfrivolous issues exist.
2. Whether independent review of the records revealed any arguable grounds for reversal of the termination judgments.
3. Whether appointed counsel's motion to withdraw should be granted after filing an Anders brief and complying with the required notice procedures.

HOLDINGS

1. The procedures established in *Anders v. California* apply to an appeal from a trial court order terminating parental rights when appointed appellate counsel concludes that there are no nonfrivolous issues to assert.
2. The appeals were frivolous and without merit, and the trial court's judgments terminating parental rights were affirmed.

FACTUAL BACKGROUND

The trial court entered final orders terminating Miles's parental rights to her three minor children, D.S., D.S.M. aka D.M., and D.R.K. The appellate record was reviewed by appointed counsel, who concluded that the appeals were frivolous and without merit. The appellate court independently reviewed the records and agreed with counsel's assessment.

PROCEDURAL HISTORY

The 312th District Court of Harris County entered final orders terminating Ebonee Shantrell Miles's parental rights to D.S., D.S.M. aka D.M., and D.R.K. Miles appealed in three appellate causes. Her appointed counsel filed an Anders brief and motion to withdraw; Miles did not file a response. After independently reviewing the record and brief, the Court of Appeals affirmed the trial court's judgments and granted counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967)
- *In re D.D.*, 279 S.W.3d 849 (Tex. App.—Dallas 2009, pet. denied)
- *In re D.E.S.*, 135 S.W.3d 326 (Tex. App.—Houston [14th Dist.] 2004, no pet.)
- *In re K.D.*, 127 S.W.3d 66 (Tex. App.—Houston [1st Dist.] 2003, no pet.)