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## YEAR 2005 CASE SUMMARIES

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By  
**The Honorable Pat Garza**

Associate Judge  
386th District Court  
San Antonio, Texas

[2005 Summaries](#) [2004 Summaries](#) [2003 Summaries](#) [2002 Summaries](#) [2001 Summaries](#) [2000 Summaries](#) [1999 Summaries](#)

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### **The procedures established in *Anders* apply to juvenile appeals. [In the Matter of A.R.B.]( 05-4-7)**

**On August 31, 2005, the El Paso Court held that the procedures established in *Anders* apply to juvenile appeals.**

05-4-7. **In the Matter of A.R.B.**, \_\_ S.W.3d \_\_, No. 08-04-00137-CV, 2005 Tex.App.Lexis 7162 (Tex.App.— El Paso, 8/31/05).

**Facts:** Appellant was adjudicated guilty of delinquent conduct based on delivering and selling marijuana and was placed on probation. Appellant admitted that she left the monitoring premises without permission on two occasions, used marijuana, and associated with a negative peer. Appellant was placed under home detention. Her probation officer later sent a letter to the trial court that appellant had been violating the home detention order and associating with a negative peer. Following disposition, the court found that appellant should be placed on supervised probation outside her home. The court agreed with counsel that the appeal was wholly frivolous and without merit.

**Held:** Affirmed.

**Opinion:** Appellant's court-appointed counsel has filed a brief in which she has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493, reh. denied, 388 U.S. 924, 87 S. Ct. 2094, 18 L. Ed. 2d 1377 (1967), by advancing one contention which counsel says might arguably support the appeal. See *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex.Crim.App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex.Crim.App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex.Crim.App. 1969). The procedures established in *Anders* apply to juvenile appeals. *In re D.A.S.*, 973 S.W.2d 296, 297, 41 Tex. Sup. Ct. J. 1148 (Tex. 1998).

A copy of counsel's brief has been delivered to A.R.B., and she has been advised of her right to examine the appellate record and file a *pro se* brief. No *pro se* brief has been filed. We have carefully reviewed the record and counsel's brief and agree that the appeal is wholly frivolous and without merit. Further, we find nothing in the record that might arguably support the appeal. A further discussion of the arguable ground advanced in counsel's brief would add nothing to the jurisprudence of the state.

**Conclusion:** The judgment is affirmed.

