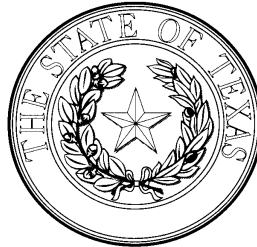


Opinion issued December 1, 2016



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00120-CV

PRINCELLA V. ROSS STEELS, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 152nd District Court
Harris County, Texas
Trial Court Case No. 2012-43323

MEMORANDUM OPINION

Principella Ross Steels, proceeding pro se, appeals the trial court's civil forfeiture judgment adverse to her claim to approximately \$51,239.00 in United States currency that the State seized in connection with her arrest and conviction for

fraudulent use or possession of identifying information of an elderly individual. Steels contends that the trial court erred in ordering the funds forfeited. We affirm.

Background

The State seized approximately \$51,239.00 in connection with Steels's arrest and instituted civil forfeiture proceedings. Steels responded, and the State served her with discovery, including a request for admissions, on July 25, 2014. Steels did not respond to the State's request for admissions.

The trial court held a bench trial on January 9, 2015. The State moved the trial court to deem admitted the request for admissions it had served on Steels. The trial court granted the State's motion, ordering that "all matters separately set forth in Plaintiff's request for Admissions are deemed admitted and conclusively established as to [Steels]."

Meanwhile, in her criminal proceedings, Steels entered into a plea bargain with the State, pleaded guilty, and received 12 years' incarceration. She attempted to appeal her conviction, and the Fourteenth Court of Appeals issued an opinion dismissing the appeal as untimely on February 11, 2016. *Steels v. State*, No. 14-16-00052-CR (Tex. App.—Houston [14th Dist.] Feb. 11, 2016, no pet.).

Discussion

In her brief, Steels challenges the propriety of the trial court's judgment by attacking the facts supporting her underlying conviction. The State has not

responded to her brief. Steels nevertheless bears the burden to demonstrate a basis for reversal of the trial court's judgment. *Richardson-Eagle, Inc. v. William M. Mercer, Inc.*, 213 S.W.3d 469, 478 n.6 (Tex. App.—Houston [1st Dist. 2006, pet. denied).

The trial court's judgment rests on the deemed admissions. The party on whom a post-answer request for admissions is served must serve a written response within 30 days after service of the request. TEX. R. CIV. P. 198.2(a). If a response to requests for admissions "is not timely served, the request is considered admitted without the necessity of a court order." TEX. R. CIV. P. 198.2(c). The record contains a certificate of written discovery confirming that the State served Steels with its request for admissions July 25, 2014, and Steels did not respond to the request.

Steels did not move to withdraw the deemed admissions in the trial court and has not argued on appeal that the trial court should have withdrawn them. *See* TEX. R. CIV. P. 198.3. As a result, Steels waived any challenge to their propriety. *See* TEX. R. APP. P. 33.1 (requiring record to show that complaint was timely raised in and ruled on by the trial court).

The court reporter has certified that no reporter's record exists. The absence of a reporter's record prevents this court from reviewing whether the admissions support the judgment. An appellant has the burden to bring forward a sufficient record to show the trial court's claimed error. *Nicholson v. Fifth Third Bank*, 226

S.W.3d 581, 583 (Tex. App.—Houston [1st Dist.] 2007, no pet.). When a party raises an issue on appeal relying on evidence presented to the trial court, we must presume the trial court had before it and determined all facts necessary in support of the judgment absent any record of what evidence the trial court considered. *See Bennett v. Cochran*, 96 S.W.3d 227, 229–30 (Tex. 2002) (per curiam) (“The court of appeals was correct in holding that, absent a complete record on appeal, it must presume the omitted items supported the trial court’s judgment.”) (quoting *Gallagher v. Fire Ins. Exchange*, 950 S.W.2d 370, 370–71 (Tex. 1997)). We therefore presume that the State tendered the admissions request as an exhibit at trial and that, as the judgment recites, the deemed admissions conclusively established all facts necessary to support the civil forfeiture judgment.

We hold that Steels has not demonstrated any reversible error in the trial court’s judgment.

Conclusion

We affirm the judgment of the trial court. All pending motions are dismissed as moot.

Jane Bland
Justice

Panel consists of Chief Justice Radack and Justices Jennings and Bland.