

**Motion to Withdraw Granted; Affirmed and Memorandum Opinion filed  
April 7, 2015.**



**In The  
Fourteenth Court of Appeals**

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**NO. 14-13-00844-CR**

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**TYRONE BERRY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 180th District Court  
Harris County, Texas  
Trial Court Cause No. 1019634**

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**M E M O R A N D U M    O P I N I O N**

Appellant entered a plea of guilty to sexual assault of a child. On May 2, 2006, pursuant to the terms of a plea bargain agreement with the State, the trial court sentenced appellant to confinement for ten years in the Institutional Division of the Texas Department of Criminal Justice. Appellant did not file a direct appeal from his conviction. In this appeal, appellant is challenging the trial court's order signed August 9, 2013, denying relief on appellant's motion for post-conviction DNA testing pursuant to Chapter 64 of the Texas Code of Criminal Procedure. *See*

Tex. Code Crim. Proc. Ann. art. 64.01–.05 (West 2006 & Supp. 2014). Appellant filed a timely notice of appeal.

Appellant’s appointed counsel filed a brief in which she concludes 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 (1967), by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

Counsel has complied with the *Anders* procedures set out in *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014). A copy of the appellate record was provided to appellant, and appellant was advised of the deadline to file any pro se response to counsel’s brief. Appellant was granted several extensions of time to file a responsive brief. In addition, appellant was granted leave to file a responsive brief of up to 65 pages in length. Appellant has now filed a pro se response to counsel’s brief.

We have carefully reviewed the record, counsel’s brief, and the pro se response, and agree the appeal is wholly frivolous and without merit. Further, we find no reversible error in the record. We need not address the merits of each claim raised in an *Anders* brief or a pro se response when we have determined there are no arguable grounds for review. *See Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005).

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Panel consists of Justices Christopher, Donovan, and Wise.

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