

Affirmed and Memorandum Opinion filed April 26, 2016.



In The

Fourteenth Court of Appeals

NO. 14-15-01025-CR

THOMAS DEWAYNE MORELAND, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 149th District Court
Brazoria County, Texas
Trial Court Cause No. 54671-2**

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

In 2008, Thomas Dewayne Moreland was convicted on his plea of guilty to murder and aggravated sexual assault. He filed a motion in 2013 for post-conviction DNA testing of certain items. The trial court denied the motion, and this court affirmed the denial. *See Moreland v. State*, No. 14-14-00035-CR, 2014 WL 3051298 (Tex. App.—Houston [14th Dist.] July 3, 2014, no pet.) (mem. op.) (per curiam) (not designated for publication). In October 2015, appellant filed another motion for DNA testing. The trial court denied the motion. This appeal is from that

denial.

The trial court found appellant failed to show reasonable grounds for the appointment of counsel. *See* Tex. Code Crim. Proc. Ann. art. 64.01(c). Appellant is proceeding pro se on appeal.

Appellant's brief was due February 5, 2016. This court sent notice to appellant on February 8 that his brief was late. Appellant did not respond. On March 3, this court ordered appellant to file a brief on or before April 4. We explained that if appellant did not timely file his brief as ordered, we would consider the appeal without briefs. *See* Tex. R. App. P. 38.8(b)(4). No brief was filed.

On the basis of the trial court's findings, we have considered the appeal without briefs. *See* Tex. R. App. P. 38.8(b). We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Panel consists of Justices Boyce, Christopher and Jamison.
Do Not Publish — Tex. R. App. P. 47.2(b).