



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-16-00096-CR

LEE VERT SMITH, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 5th District Court
Bowie County, Texas
Trial Court No. 06-F0744-005

Before Morriss, C.J., Moseley and Carter,* JJ.
Memorandum Opinion by Justice Moseley

*Jack Carter, Justice, Retired, Sitting by Assignment

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, Lee Vert Smith pled guilty to and was convicted of aggravated sexual assault of a child. Smith was sentenced to twenty-five years' imprisonment. He now appeals from the trial court's denial of his post-conviction motion for DNA testing.

Smith filed an identical motion for DNA testing the denial of which he appeals under our cause number 06-16-00095-CR. He appealed the denial of that motion on the same grounds asserted here. We addressed this issue in detail in our opinion of this date on Smith's appeal in cause number 06-16-00095-CR. For the reasons stated therein, we likewise conclude that error has not been shown in this case.

We affirm the trial court's denial of Smith's motion for DNA testing.

Bailey C. Moseley
Justice

Date Submitted: November 22, 2016
Date Decided: December 9, 2016

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