

NO. 07-00-0349-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
JANUARY 8, 2003

KEVIN WAYNE GILBERT, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 240TH DISTRICT COURT OF FORT BEND COUNTY;
NO. 32179; HONORABLE OGDEN BASS, JUDGE

Before QUINN and REAVIS, JJ. and BOYD, S.J.*

MEMORANDUM OPINION¹

* John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

¹Tex. R. App. P. 47.4.

Following a plea of not guilty, appellant was convicted by a jury of indecency with a child and punishment was assessed at five years confinement and a \$3000 fine, suspended for ten years. By a sole issue, appellant contends the trial court erred in denying his motion in limine to bar the testimony of Reverend Ronnie Linden. Based upon the rationale expressed herein, we affirm.

We hold that appellant did not preserve his complaint for appellate review. It is well settled that the denial of a motion in limine is not sufficient to preserve error for review, but rather there must be a proper objection to the proffered evidence. *McDuff v. State*, 939 S.W.2d 607, 618 (Tex.Cr.App. 1997), *cert. denied*, 522 U.S. 844, 118 S.Ct. 125, 139 L.Ed.2d 75 (1997), citing *Basham v. State*, 608 S.W.2d 677, 679 (Tex.Cr.App. 1980). During Linden's direct testimony no objections were made, and upon cross-examination the only objection lodged by defense counsel was that the witness's answer was nonresponsive. Appellant's sole issue is overruled.

Accordingly, the judgment of the trial court is affirmed.

Per Curiam

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