AFFIRM; and Opinion Filed January 27, 2016.

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-15-00573-CR

MICHAEL ANTHONY ENO, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 2
Grayson County, Texas
Trial Court Cause No. 2013-2-1615

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Lang and Brown
Opinion by Justice Brown

Michael Anthony Eno appeals his conviction for burglary of a vehicle following a jury trial. The jury found appellant guilty, and the trial court assessed punishment at 365 days' confinement and a $4,000 fine. In a single issue, appellant contends the trial court erred in overruling his objection to improper jury argument by the State. We affirm the trial court's judgment.

At trial, Ryan Sanford testified that, while he was at a college football tailgate, he saw a man sitting in the driver's seat of an SUV parked nearby. The vehicle belonged to a family friend, and the person inside it was not the owner. Sanford stated the man was "just kind of searching in" the vehicle and that there was "a lot of movement." After the man exited the SUV, Sanford spoke to him, asking for a light. The man went back into the vehicle to look for a light. When he exited the SUV a second time, he told Sanford he didn't have a light and walked off.

Sanford flagged down campus police to report the incident. While speaking to an officer, Sanford saw the man again and pointed him out to police. Police detained the man and put him in a squad car. Sanford walked over to the car, and the police asked him if that was the "same guy." Sanford responded that it was. At trial, Sanford identified appellant as the person he saw that day.

Dr. Charles Keenan, a psychologist, was the sole defense witness and testified about the reliability of eyewitness identification. The prosecutor took the doctor on voir dire to determine his qualifications and then asked that he be excluded as an expert. The trial court overruled the State's objection, allowing Dr. Keenan to testify as an expert on eyewitness identification. During his testimony, Dr. Keenan was presented with a hypothetical situation similar to the facts of this case and identified problems with the reliability of the identification in such a scenario.

In his sole issue, appellant contends the trial court erred in overruling his objection to the State's closing argument to the jury. Appellant complains of the following argument, made at the beginning of the State's rebuttal:

> [PROSECUTOR]: One of the things about this case that just disgusted me is that the defense team, [defense attorney], called a[n] expert witness who, when I say expert I use the term extraordinarily loosely, who has testified once, ever, about eye witness identification. This man makes his primary living determining if someone is competent to stand trial, he is no expert. What disgusts me about him is this - -
>
> [DEFENSE COUNSEL]: Your Honor, I'm going to object to the State - - the Court found him to be an expert and I think that's an improper argument.

The trial court responded by stating, "The jury will know what Dr. Keenan's role was in this trial." Appellant contends the argument was improper for two reasons: it struck at appellant over the shoulders of trial counsel, and the prosecutor gave an impermissible personal opinion of disgust for defense counsel and the expert witness.

The State responds that appellant did not preserve these complaints for our review, and we agree. Assuming the trial court's reply to appellant's objection implicitly overruled the objection, appellant's complaints on appeal do not comport with his trial objection. As a prerequisite to preserving a complaint for appellate review, the record must show that the complaint was made to the trial court by an objection that stated the grounds for the ruling that the complaining party sought with sufficient specificity to make the trial court aware of the complaint, unless the specific grounds were apparent from the context. TEX. R. APP. P. 33.1(a)(1). An objection that differs from the complaint raised on appeal does not preserve error. *Wilson v. State*, 71 S.W.3d 346, 349 (Tex. Crim. App. 2002); *see Threadgill v. State*, 146 S.W.3d 654, 670 (Tex. Crim. App. 2004) (defendant forfeited right to raise allegedly improper jury argument on appeal by failing to object at trial). The basis for appellant's objection was that the prosecutor's argument was improper because the court had found Dr. Keenan to be an expert. There was no mention of the complaints appellant now raises, that the prosecutor's expression of disgust at the defense team and its witness improperly struck at appellant over the shoulders of counsel and improperly inserted the prosecutor's opinion. The fact that the trial court responded to the objection by referencing Dr. Keenan's role in the trial demonstrates that appellant's trial objection did not make the court aware of the complaints now raised. Appellant presents nothing for our review. We overrule appellant's sole issue.

We affirm the trial court's judgment.

/Ada Brown/
ADA BROWN
JUSTICE

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TEX. R. APP. P. 47

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Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

MICHAEL ANTHONY ENO, Appellant	On Appeal from the County Court at Law No. 2, Grayson County, Texas
No. 05-15-00573-CR V.	Trial Court Cause No. 2013-2-1615.
THE STATE OF TEXAS, Appellee	Opinion delivered by Justice Brown, Chief Justice Wright and Justice Lang participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 27th day of January, 2016.