



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-16-00309-CR

Sherman **ROBINSON**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 187th Judicial District Court, Bexar County, Texas  
Trial Court No. 2015CR5888  
Honorable Steve Hilbig, Judge Presiding

Opinion by: Rebeca C. Martinez, Justice

Sitting: Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice

Delivered and Filed: June 14, 2017

**AFFIRMED**

Sherman Robinson appeals his conviction for felon in possession of a firearm. *See* TEX. PENAL CODE ANN. § 46.04 (West 2011). We affirm the trial court's judgment.

**ANALYSIS**

In his sole issue on appeal, Robinson asserts that the manner and purpose of the police officer's stop of Robinson violated his Fourth Amendment rights in that it constituted a "stop and frisk." Therefore, Robinson contends the trial court abused its discretion in denying his motion to suppress. The State responds that Robinson failed to preserve error. *See* TEX. R. APP. P. 33.1(a)

(to preserve an issue for review, a party must make a timely objection and obtain an adverse ruling).

On the day of jury selection, Robinson filed a motion to suppress the tangible evidence and his statements. The trial court did not conduct a pretrial hearing on the motion and ruled it would be carried with the trial. The State's sole trial witness was San Antonio Police Officer Scott Marshall who testified about his encounter with Robinson, his decision to frisk Robinson based on a bulge in his waistband, and his discovery of a gun on Robinson's person. Although Robinson's defense counsel did raise some objections during Officer Marshall's testimony, they were hearsay objections and other objections that do not comport with the grounds stated in the motion to suppress, i.e., violation of the Fourth Amendment's protection against unreasonable search and seizure. For example, Robinson objected to Officer Marshall's testimony about finding a bag of marijuana and a scale on Robinson's person as "prejudicial," and objected to admission of the patrol car videotape as "prejudicial and extraneous." When a trial court does not rule on a motion to suppress, but carries it with the trial, the defendant must object each time any evidence subject to the motion is offered in order to preserve error; in addition, the objection must comport with a ground raised in the motion to suppress. *Palacios v. State*, 319 S.W.3d 68, 72 (Tex. App.—San Antonio 2010, pet. ref'd). Here, the record reflects that Robinson failed to obtain a ruling from the trial court on his motion to suppress, either before trial or during trial by raising objections comporting with the suppression grounds stated in his motion. Therefore, Robinson has failed to preserve his issue for appellate review. TEX. R. APP. P. 33.1(a); *Mendez v. State*, 138 S.W.3d 334, 341 (Tex. Crim. App. 2004). Accordingly, we affirm the trial court's judgment.

Rebeca C. Martinez, Justice

DO NOT PUBLISH