

NO. 07-06-0006-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
NOVEMBER 28, 2006

CHARLES LOWELL JONES,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;
NO. 51,714-E; HON. ABE LOPEZ, PRESIDING

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Charles Lowell Jones (appellant) appeals his conviction of possessing a controlled substance (cocaine) within a drug free zone and with intent to deliver. His sole issue pertains to the trial court's decision to admit into evidence a default judgment rendered in a related civil forfeiture proceeding. The judgment was purportedly inadmissible because it injected into the record evidence of an extraneous offense and its probative value was substantially outweighed by its undue prejudice. We overrule the issue for the complaints asserted before us do not comport with that asserted below.

The default judgment arose from the State's effort to forfeit \$2,025 found on a table in appellant's living room. The monies were discovered via a consensual search performed by the investigating officers. When effort was made to tender the judgment into evidence at appellant's ensuing criminal trial, he objected. He said it was inadmissible because it was a default judgment rendered at a time when he could not proffer a defense due to his incarceration. Nothing was said about the item manifesting an extraneous offense (Texas Rule of Evidence 404) or about its probative value being substantially outweighed by its undue prejudice (Texas Rule of Evidence 403). Yet, the latter two grounds form the basis of appellant's complaint on appeal. Because they do not comport with the objection he uttered at trial, they were not preserved for review. *Sorto v. State*, 173 S.W.3d 469, 476 (Tex. Crim. App. 2005) (stating that when the grounds urged at trial do not comport with those urged on appeal, the latter have not been preserved for review).

Accordingly, we overrule appellant's issue and affirm the judgment of the trial court.

Brian Quinn
Chief Justice

Do not publish.