

NO. 07-09-0281-CR  
NO. 07-09-0282-CR

IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
NOVEMBER 2, 2010

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JOHN VANEXCEL,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE 181ST DISTRICT COURT OF POTTER COUNTY;  
NOS. 46,760-B, 46,761-B; HON. JOHN B. BOARD, PRESIDING

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***Memorandum Opinion***

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

Appellant, John Vanexcel, appeals his convictions for possession of marijuana (46,760-B) and possession with intent to deliver cocaine (46,761-B). Through five issues, appellant contends the trial court abused its discretion in denying his motion to suppress. We affirm.

In general, when a court overrules a pretrial motion to suppress evidence, the defendant need not object to the same evidence in order to preserve the error on appeal. *Brown v. State*, 183 S.W.3d 728, 741 (Tex. App.—Houston [1st Dist.] 2005, pet. ref'd) (citing *Moraguez v. State*, 701 S.W.2d 902, 904 (Tex.Crim.App. 1986)). However, when a defendant affirmatively states that he has "no objection" to the admission of the complained of evidence, the defendant waives any error in the admission of the evidence. *Brown*, 183 S.W.3d at 741; see also *Harris v. State*, 656 S.W.2d 481, 484 (Tex.Crim.App. 1983) (holding that appellant's complaint that the trial court erred in overruling his motion to suppress evidence obtained as a result of illegal seizures was rendered moot when State offered complained of evidence and defense counsel affirmatively stated "no objection"). Here, the record reflects that appellant obtained an adverse ruling on his pretrial motion to suppress. However, when the State offered the offending evidence during the bench trial, appellant's trial counsel waived any error in the admission of the evidence by affirmatively stating no objection. See *Brown*, 183 S.W.3d at 741. Therefore, we overrule all of appellant's issues as an attack on the motion to suppress ruling.

Accordingly, we affirm the judgments of the trial court.

Per Curiam

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