



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-16-00377-CR

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**JASON BERNARD MILLER, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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**On Appeal from the Criminal District Court 2  
Tarrant County, Texas  
Trial Court No. 1419971D, Honorable Wayne F. Salvant, Presiding**

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**September 5, 2017**

**MEMORANDUM OPINION**

**Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.**

Jason Bernard Miller (appellant) appeals his convictions for murder and aggravated assault with a deadly weapon, namely a motor vehicle. Through a single issue, he contends that the trial court erred in admitting into evidence a recording of his conversation with a paramedic. According to the record, appellant was fleeing the police when the stolen car he drove collided with another vehicle. The driver of the other vehicle was killed while the passenger was injured. Medical personnel appeared at the scene to render aid. One of those personnel was a paramedic assigned the task of assessing appellant's medical condition. While conducting that assessment, the

paramedic asked appellant questions, which led to appellant uttering rather incriminating responses. Furthermore, the conversation was occurring in proximity to a police officer whose voice recorder captured the exchange. The State sought to admit the recording at trial, and appellant objected. He believed it inadmissible because, among other things, his answers to the paramedic were the result of custodial interrogation and he had not been afforded his *Miranda* warnings. The trial court overruled the objection. We affirm.

Despite his objection to the recording, appellant did not object to the live testimony of the paramedic. The latter reiterated the contents of his exchange with appellant. That reiteration included the incriminating responses uttered by appellant. As said by our Court of Criminal Appeals, “[i]t is well established that questions regarding the admission of evidence are rendered moot if the same evidence is elsewhere introduced without objection; any error in admitting evidence over a proper objection is harmless if the same evidence is subsequently admitted without objection.” *Chamberlain v. State*, 998 S.W.2d 230, 235 (Tex. Crim. App. 1999); *accord Sanders v. State*, 255 S.W.3d 754, 764 (Tex. App.—Fort Worth 2008, pet. ref’d) (holding the complaint moot since the same testimony was admitted elsewhere at trial without objection). Because the evidence about which appellant complains was admitted elsewhere at trial without objection, his sole appellate issue is moot. Any purported error is harmless. Therefore, we overrule the issue and affirm the judgment of the trial court.

Brian Quinn  
Chief Justice

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