



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00010-CR

LAKESHA BLOUNT, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 188th Judicial District Court
Gregg County, Texas
Trial Court No. 36,780-A

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

An admitted theft of over \$1,500.00 led to Lakesha Blount's placement on deferred adjudication community supervision for a period of four years.¹ Blount failed to comply with terms of her community supervision ordering her to pay fees, court costs, and restitution. The trial court adjudicated Blount's guilt and sentenced her to eighteen months in state jail. Blount's sole point of error on appeal complains that the trial court erred in assessing punishment without doing a presentence investigation (PSI). *See* TEX. CODE CRIM. PROC. ANN. art. 42.12, § 9 (Vernon Supp. 2009).

To preserve a complaint for appellate review, the complaint must be "made to the trial court by a timely request, objection, or motion." TEX. R. APP. P. 33.1(a)(1). The record in this case reveals that Blount failed to complain to the trial court about the lack of PSI report. Any "error in failing to order a PSI report is waived if the defendant fails to object to the failure or bring the failure to the trial court's attention." *Smith v. State*, 91 S.W.3d 407, 409 (Tex. App.—Texarkana 2002, no pet.); *Buchanan v. State*, 68 S.W.3d 136, 139 (Tex. App.—Texarkana 2001, no pet.). Because Blount's sole point of error was not preserved, it is overruled.

¹Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001 (Vernon 2005). We are unaware of any conflict between precedent of the Twelfth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

We affirm the judgment of the trial court.

Josh R. Morriss, III
Chief Justice

Date Submitted: August 6, 2010
Date Decided: August 9, 2010

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