

Affirmed and Opinion filed December 30, 1999.



In The

Fourteenth Court of Appeals

NO. 14-96-01017-CR

LOUIS ANTHONY GUTIERREZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 339th District Court
Harris County, Texas
Trial Court Cause No. 713,733

OPINION

Louis Anthony Gutierrez appeals a conviction for cocaine possession on the grounds that his motion to suppress was improperly denied. We affirm.

Preservation of Error

In order to preserve a complaint for appellate review, the record must show that the complaint was made to the trial court and that either the trial court ruled on it or the appellant objected to its refusal to do so. *See* TEX. R. APP. P. 33.1(a).

In this case, after being charged with felony possession with intent to deliver cocaine weighing more than 200 grams and less than 400 grams, appellant filed a motion to suppress the evidence from the searches of his vehicle and home on the basis that it was the fruit of an unlawful arrest. A hearing was held on the motion on June 25, 1996. At the close of the State's evidence, appellant asked if he could submit a memorandum to the trial court on another date. The trial court agreed and concluded the hearing without ruling on the motion to suppress. The parties agreed on July 2, 1996, as the date by which appellant's memorandum would be submitted. However, the record does not reflect that a memorandum was submitted, that the trial court ruled on the motion, or that appellant objected to its failure to rule. Appellant pled guilty on August 9, 1996, pursuant to an agreed sentencing recommendation, and the trial court found appellant guilty and assessed punishment at 15 years confinement.

Because the record reflects neither a ruling by the trial court on the motion to suppress nor an objection by appellant to the trial court's failure to rule, appellant's complaint concerning the denial of his motion to suppress presents nothing for our review. *See id.*; *Garcia v. State*, 887 S.W.2d 862, 871 (Tex. Crim. App. 1994) (holding that where no final ruling on defendant's motion to suppress was ever made, and defendant did not assert that the questioned evidence was ever introduced at trial, the challenge concerning the motion to suppress preserved nothing for appellate review). Accordingly, appellant's points of error are overruled and the judgment of the trial court is affirmed.

/s/ Richard H. Edelman
 Justice

Judgment rendered and Opinion filed December 30, 1999.

Panel consists of Justices Hudson, Edelman, and Wittig.

Do not publish — TEX. R. APP. P. 47.3(b).