

Affirmed and Opinion filed February 14, 2002.



In The
Fourteenth Court of Appeals

NO. 14-00-01223-CR

SON VAN HUYNH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from 174th District Court
Harris County, Texas
Trial Court Cause No. 834,481**

MEMORANDUM OPINION

A jury convicted appellant Son Van Huynh of theft. In two points of error, appellant complains the trial court erred by admitting into evidence, during the guilt-innocence phase, a letter he wrote to the trial judge because it was (1) part of plea negotiations and (2) a portion of the sentencing memorandum to the judge. We need not determine whether the trial court erred because we find that any error in admitting the letter was harmless.

Any error regarding improperly admitted evidence is harmless if substantially the same evidence is admitted elsewhere without objection. *Hicks v. State*, 860 S.W.2d 419, 430–31 (Tex. Crim. App. 1993).

The damaging substance of the letter—that appellant was “profoundly sorry” for committing the offense charged—was admitted elsewhere (through appellant’s own testimony) without objection. During the State’s cross-examination, appellant identified State’s exhibit number five as a letter addressed to the trial judge, which he had typed and signed and in which he told the judge he was “sorry” for what he did:

STATE: Sir, I am going to hand you what’s been marked as State’s Exhibit 5 and ask if you recognize that?
APPELLANT: Yes, I do.
STATE: What is that, sir?
APPELLANT: It’s – because, like I just said –
STATE: No, sir. What is that – very simple. What is that document?
APPELLANT: This is a letter that I typed.
STATE: And it’s got your signature on it; does it not, sir?
APPELLANT: Yes.
STATE: And it’s addressed to Judge Godwin; isn’t it, sir?
APPELLANT: Yes.
STATE: And in that you tell him how sorry you are for what you did, for what you’re charged for today; don’t you, sir?
APPELLANT: Yes.

In the letter to the judge, appellant stated “what I did was very wrong. I feel very bad, and remorseful for what I did. I did it out of my stupidity . . . I am profoundly sorry. I served 67 days in Harris County Jail for this incident. . . I had never intended to break any law. . . Please forgive me[.]”

Because we find that substantially the same information as that contained in the letter was admitted through appellant’s testimony, without objection, any error in admitting the letter is harmless. *See id.*

Accordingly, we overrule both of appellant's points of error and affirm the trial court's judgment.

/s/ Charles W. Seymore
Justice

Judgment rendered and Opinion filed February 14, 2002.

Panel consists of Justices Yates, Seymore and Guzman.

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