Affirmed and Opinion filed May 10, 2001.

In The

Fourteenth Court of Appeals

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NO. 14-98-01430-CR

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DESHANNON CAPRIEST JACKSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 268th District Court
Fort Bend County, Texas
Trial Court Cause No. 29,962A

O P I N I O N

A jury convicted Deshannon Capriest Jackson of aggravated robbery and sentenced him to 65 years' confinement. In three points of error, appellant challenges the corroboration of accomplice witness testimony, the trial court's handling of jury selection and the chain of custody on a crucial piece of evidence against him. We affirm.

In his first point of error appellant contends there is insufficient evidence to corroborate the testimony of an accomplice witness. The main testimony linking Jackson to

the crime came from James Hanchett, who already had been convicted of involvement in this crime prior to appellant's trial. Hanchett testified that he was riding around the night of December 27, 1997 with Jackson and Keith Hines when he decided that he needed some money. He said the trio picked out a house in Missouri City because it had two luxury cars parked outside. Hanchett said the three broke in the back door, forced the three occupants of the house to lie down, stole jewelry and money, and fled. The three were stopped a short time later in a car in which the stolen property and a handgun were found.

Appellant's point of error centers on the fact that he apparently wore a mask during the crime and none of the three victims saw his face. Absent a positive identification, he argues, the evidence is insufficient to corroborate the accomplice's testimony. We disagree.

A conviction cannot be had upon the testimony of an accomplice witness unless corroborated by other evidence tending to connect the defendant with the offense committed; and the corroboration is not sufficient if it merely shows the commission of the offense. TEX. CODE CRIM. PROC. ANN. Art. 38.14 (Vernon 1979). The test for whether accomplice witness testimony is sufficiently corroborated is to eliminate the testimony in question and examine the remaining evidence to see if it tends to connect the defendant with the offense. *Burke v. State*, 876 S.W.2d 877, 887 (Tex. Crim. App. 1994). This non-accomplice evidence need not link appellant directly to the crime, or prove his guilt beyond a reasonable doubt. *Id.* at 888.

Here a car which matched the description of a car involved in this robbery was stopped a short time and a short distance from the scene of the crime. Appellant was in that car, and while none of the witnesses was able to identify appellant's face, one of the victims did identify him from his clothing and build and "the shape of his face." Jewelry taken in the robbery was found in the car. We find this evidence tends to connect appellant with the offense and so meets the legal test for corroboration of accomplice witness testimony. Appellant's first point of error is overruled.

In his second point of error appellant contends the trial court erred in denying his challenge for cause against venireperson Guillory.

Appellant's challenge centers on this exchange with a potential juror:

> [DEFENSE ATTORNEY]: Mr. Guillory, what do you feel about that because a person has been charged with a such serious [sic] crime and say you heard the evidence and you just couldn't get over the fence, but; however, since it's an aggravated robbery charge, you knowhe must have done it, would you vote that way?
>
> JUROR NO. 14: Would I prejudge him?
>
> [DEFENSE ATTORNEY]: No, but because it's such a serious charge, serious offense. It's a first-degree felony. The range of punishment possible is between 5 to 99 years in prison. Just on that alone would you think, well, gee, he must have done it. Because the State's evidence is kind of –
>
> JUROR NO. 14: Then it's not beyond a shadow of a doubt.
>
> DEFENSE ATTORNEY: Would you give the benefit to the State because it's a charge of aggravated robbery?
>
> JUROR NO. 14: I don't know.
>
> DEFENSE ATTORNEY: So you are saying you might?
>
> JUROR NO. 14: I don't know. You asked for an honest answer.
>
> DEFENSE ATTORNEY: So you're saying that would be – that would be a question in your mind, you may lean toward the State because of the charge itself?
>
> POTENTIAL JUROR NO. 14: Maybe.

When it came time to exclude veniremembers for cause, the following exchange took place at the bench:

> [TRIAL COURT]: 14, Counsel?
>
> [DEFENSE COUNSEL]: He said that the charge itself would prevent him from being fair; that was my understanding.

[THE COURT]: The charge itself?

[TRIAL COUNSEL]: It being an aggravated robbery case.

[THE STATE]: I don't remember that at all.

[THE COURT]: I don't remember him talking about – Guillory, overruled.

Appellant's counsel later objected further and requested another preemptory strike because another objectionable venireperson was seated on the jury. The trial court told him, "Counsel, you had ample time to make your challenge and the Court ruled on it."

To preserve error for a trial court's denial of a valid challenge for cause, it must be demonstrated on the record that appellant asserted a clear and specific challenge for cause, that he used a peremptory challenge on that juror, that all his peremptory challenges were exhausted, that his request for additional strikes was denied, and that an objectionable juror sat on the jury. *Green v. State*, 934 S.W.2d 92, 105 (Tex. Crim. App. 1996). We judge the trial court's failure to grant a challenge for cause under an abuse of discretion standard. *Mooney v. State*, 817 S.W.2d 693, 702 (Tex. Crim. App. 1991). We cannot say on this record that the trial court abused its discretion in denying appellant's challenge for cause. Appellant's second point of error is overruled.

In his third point of error appellant contends the State did not prove up the chain of custody on a pair of shoes which were allegedly taken from appellant the night of the robbery. The State points out that appellant's objection at trial was that the dried mud on the shoes had not been tested to establish that it had come from around the house, rendering the shoes irrelevant. After the trial court overruled the objection, the State matched up the pattern on those shoes to footprints found in the house. Because appellant's objection at trial does not comport with his complaint on appeal, nothing is presented for our review. We overrule appellant's third point of error and affirm the judgment of the trial court.

/s/ Bill Cannon
Justice

Judgment rendered and Opinion filed May 10, 2001.

Panel consists of Justices Cannon, Lee, and Amidei.*

Do Not Publish — TEX. R. APP. P. 47.3(b).

* Senior Justices Bill Cannon, Norman Lee, and Former Justice Maurice Amidei sitting by assignment.