Affirmed and Opinion filed July 26, 2001.

In The

Fourteenth Court of Appeals

NO. 14-00-00849-CR

TARA THOMAN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 176th District Court
Harris County, Texas
Trial Court Cause No. 831,185

O P I N I O N

Appellant was charged by indictment with the offense of delivery of a controlled substance, namely cocaine. The indictment also alleged two prior felony convictions for enhancement purposes. A jury convicted appellant of the charged offense. The trial court assessed punishment at twenty five years confinement in the Texas Department of Criminal Justice--Institutional Division. We affirm.

I. Jury Argument.

The first point of error contends the trial court erred in failing to grant a mistrial following improper jury argument by the State. The record reflects that appellant's objection was sustained and that the trial court instructed the jury to disregard the State's argument. However, appellant did not move for a mistrial.

In order to preserve jury argument error for appellate review, trial counsel is required to object and pursue his objection until receiving an adverse ruling. In the context of closing arguments, this is accomplished by objecting, requesting an instruction to disregard and moving for a mistrial. *See Cook v. State*, 858 S.W.2d 467, 473 (Tex. Crim. App. 1993) (quoting *Coe v. State*, 683 S.W.2d 431, 436 (Tex. Crim. App. 1984)). If trial counsel does not receive an adverse ruling, the error is not preserved for appellate review. *See Nethery v. State*, 692 S.W.2d 686, 701 (Tex. Crim. App. 1985), *cert. denied*, 474 U.S. 110 (1986). Without an adverse ruling, the defendant has been given all the relief requested at trial and will not be heard to complain on appeal. *See Cook*, 858 S.W.2d at 473. In the instant case, appellant did not receive an adverse ruling from the trial court. Accordingly, the first point of error is overruled.

II. Jury Charge.

The second point of error contends the trial court erred in failing to charge the jury on the defense of entrapment. *See* TEX. PENAL CODE ANN. § 8.06(a) (Vernon 1994). However, appellant did not request such a charge, and, after reviewing the proposed charge, counsel affirmatively stated "no objections" prior to the charge being read to the jury. In *Posey v. State*, 966 S.W.2d 57, 62 (Tex. Crim. App. 1998), the Court of Criminal Appeals held the omission of an unobjected-to or unrequested defensive instruction is not "error" under *Almanza v. State*, 686 S.W.2d 157 (Tex. Crim. App. 1984). We find *Posey* controlling. The second point of error is overruled.

The judgment of the trial court is affirmed.

/s/ Charles F. Baird[1]
Justice

Judgment rendered and Opinion filed July 26, 2001.
Panel consists of Justices Anderson, Hudson, and Baird.
Do Not Publish — TEX. R. APP. P. 47.3(b).

[1] Former Judge Charles F. Baird sitting by assignment.