Affirmed and Opinion filed September 14, 2000.

In The

Fourteenth Court of Appeals

———————————

NO. 14-98-00966-CR

———————————

HOLLIS QUINTON GILES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 741,755

O P I N I O N

The State charged Hollis Quinton Giles, appellant, with the felony offense of burglary of a habitation. *See* TEX. PEN. CODE ANN. § 30.02 (Vernon 1994). The indictment was enhanced with a prior burglary conviction. Appellant pleaded not guilty to the indictment and the case was tried before a jury. The jury found appellant guilty of the offense. Appellant pleaded true to the enhancement paragraph and the jury assessed punishment at eighteen years' confinement in the Texas Department of Criminal Justice, Institutional Division and a $3,000 fine. In his sole point of error, appellant contends that the trial court committed reversible

error by failing to sustain his objection to the prosecutor's improper closing argument. We affirm the judgment of the trial court.

In his sole point of error, appellant argues that the trial court committed reversible error when it allowed the prosecutor to ask the jurors to place themselves in the shoes of the victim during closing argument. Appellant specifically complains about two arguments made by the prosecutor. In her first argument, the prosecutor asked the jury to recall the feeling they had when they were victims of crime:

> Now, imagine what that must feel like. Many of you raised your hand when Defense counsel asked you during voir dire how many of you had been victimized? How many of you had been victims of burglaries of your home and a lot of you raised your hand. So, I'm going to ask you to remember what that felt like to come home and see your very home violated –

Defense counsel objected to the argument on the ground that it was misleading. The trial court sustained the objection. Defense counsel, however, did not request an instruction to disregard the statement, and did not ask for a mistrial.

To preserve error for an improper jury argument, counsel must object, request an instruction to disregard, and move for mistrial. *See Harris v. State*, 784 S.W.2d 5, 12 (Tex. Crim. App.1989). Even if the argument is egregious and an instruction to disregard would not cure the harm caused by the improper argument, it is waived if the defendant did not object. *See Valencia v. State*, 946 S.W.2d 81, 82-83 (Tex. Crim. App.1997) (op. on reh'g). By failing to pursue the adverse ruling as to the prosecutor's argument, appellant has not preserved error for our review.

In her second argument, the prosecutor told the jury:

> . . . Now, imagine what Alleane Mayo must have thought when she found her home burglarized.

Defense counsel objected and argued that the statement was improper because the prosecutor was telling the jury what to think. The court overruled the objection. The prosecutor continued and repeated her argument:

> Imagine what the victim felt when she came home and found her home burglarized – her front window broken, her items she'd worked so hard to buy missing. Imagine that feeling of violation, okay?
>
> Now, imagine what she felt like when she found out that the person who did this indignity – the person that stole her property was her own brother-in-law. Imagine what that must have felt like.

Defense counsel did not object to either of the these statements.

Although defense counsel objected the first time the prosecutor asked the jury to imagine how the victim felt, he failed to object when the prosecutor repeated the argument. A defendant must object each time an impermissible argument is made, or else the complaint is waived. *See Kelley v. State*, 968 S.W.2d 395, 402-03 (Tex. App. – Tyler 1998, no pet.) (right to complain of impermissible jury argument forfeited if appellant fails to continually object); *see also McFarland v. State*, 845 S.W.2d 824, 840 (Tex. Crim. App.1992) (no reversible error when same argument is presented elsewhere in trial without objection). Moreover, appellant's trial objection does not comport with his objection on appeal. *See Broxton v. State*, 909 S.W.2d 912, 918 (Tex. Crim. App. 1995).

Because appellant failed to preserve error as to his sole point of error, we affirm the judgment of the trial court.

/s/ Joe L. Draughn
Justice

Judgment rendered and Opinion filed September 14, 2000.

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

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

---

* Senior Justices Bill Cannon, Joe L. Draughn, and Norman Lee sitting by assignment.