Affirmed and Opinion filed December 9, 1999.

In The

Fourteenth Court of Appeals

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NO. 14–98-01080-CR

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MARIA ADALINDA CHICAS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 209th District Court
Harris County, Texas
Trial Court Cause No. 763,583

O P I N I O N

Upon appellants plea of guilty to the offense of murder the jury assessed punishment at confinement for 30 years.

In her sole point of error appellant contends the trial court erred in overruling her objection to statements made by the prosecutor in closing argument. We find no error in the court's ruling and affirm the conviction.

A recitation of the evidence is not necessary except to note that appellant shot her estranged husband in the right eye, behind the right ear, on the left side of the head and in the back. The shooting

occurred in the presence of several witnesses. Although appellant did not testify, she presented testimony concerning physical abuse at the hands of the deceased.

The portion of the prosecutor's argument to which appellant objected was:

> You know, also, we talked about the domestic dispute situation where you have divorce, where you have kids, where you have property, where you have fighting. I'm not saying that this relationship was perfect by any stretch of the imagination. But you remember on voir dire, and I remember Mr. Goode there, and we talked about how there's two sides to the story. He said and she said. I'm not saying that Mr. Flores [the victim] was Father of the Year award, the perfect husband, but you know what. We've been sitting here for the last few days with Ms. Chicas, and Ms. Chicas has been able to confer with her lawyers. She's been able to add to her defense. She's been able to give input. She's been allowed to –
>
> [DEFENSE ATTORNEY] I'm going to object. She's outside the record. None of that is in the evidence.
>
> [THE COURT]: That will be overruled.
>
> She has been present during all of this, and she has been allowed to defend herself against accusations brought against her, and I'm not begrudging her that. That's the way our system works. But don't you know that there is a person named Lorenzo Flores, and they've sat here and they have hurled allegation after self-serving allegation against him, and he has never and will never be allowed to have his day in court. So while you're sitting here thinking so hard about her, please don't forget about him. Please remember that there is another side to this story, and she is the person who silenced him.

Appellant contends that the objected-to argument commented on "non-testimonial courtroom demeanor" of the appellant and therefore improperly placed her "demeanor" before the jury through unsworn argument, relying upon *Good v. State*, 723 S.W.2d 734 (Tex.Crim.App.1986).

In *Good* the prosecution, in the guilt phase of the trial, argued that the courtroom demeanor of the defendant evidenced his guilt. The court condemned the argument, finding that it invited the jury to convict appellant on he basis of his irrelevant, non-testimonial demeanor rather than evidence of his guilt. *Id*. at 736. The court of criminal appeals repeatedly emphasized the fact that the argument was made during the guilt phase of the trial.

In the case before us the prosecution did not invite the jury to infer guilt of appellant from her courtroom demeanor; in fact, appellant had entered a plea of guilty and the only question was punishment.

Under these facts, *Good* is inapplicable. See also *Mock v. State*, 848 S.W.2d 215, 221 (Tex. App.-El Paso 1992, pef. ref'd) (declining to follow *Good* where "nothing in the challenged argument focused the jury's attention upon the prosecutors, personal impression of guilt which was to be derived from appellants demeanor"). Appellant's sole point of error is overruled.

The judgment is affirmed.

Sam Robertson
Justice

Judgment rendered and Opinion filed December 9, 1999.

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

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

* Senior Justices Sam Robertson, Bill Cannon, and Norman Lee sitting by assignment.