



Preservation of Error & Standards of Review

BY PAT MCCANN

713-223-3805

WRITLAWYER@JUSTICE.COM

Why do we care about error and review?

Unpreserved error is unreviewable error!

The standards of review are checklists for the appellate courts and the appellate lawyers on both sides.

Preservation of Error

1.) To present a complaint on appeal, the record must show that the objecting party made the complaint to the trial court by a timely request, objection, or motion that stated the grounds for the ruling sought with sufficient specificity to make the trial court aware of the complaint, unless the specific grounds were apparent from the context.

1.) * Tex. R. App. P. 33.1(a)(1)(A)

Preservation of Error

2.) Texas Rule of Appellate Procedure 33.1 places the burden on appellant to clearly convey to the trial judge the particular complaint, including the precise application of the law as well as the underlying rationale.

2.) **Pena v. State*, 285 S.W.3d 459, 464 (Tex. Crim. App. 2009)

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Preservation of Error and Standards of Review

Also available as part of the eCourse

[Criminal Appeals 2018: Habeas Corpus, Standards of Review, PDRs, and more!](#)

First appeared as part of the conference materials for the
2018 Robert O. Dawson Conference on Criminal Appeals session
"Preservation of Error and Standards of Review"