

Recent Developments Regarding The “Harmless Error” Rule

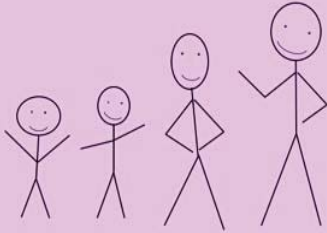
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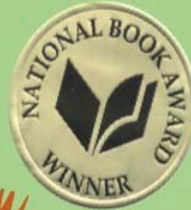
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Tex. R. App. P. 44.1

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No judgment may be reversed on appeal on the ground that the trial court made an error of law unless the court of appeals concludes that the error complained of:

- (1) probably caused the rendition of an improper judgment; or
- (2) probably prevented the appellant from properly presenting the case to the court of appeals. .

Reliance Steel v. Sevcik, 267 S.W.3d 867, 871 (Tex. 2008)

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- We have recognized the impossibility of prescribing a specific test for harmless-error review, as the standard “is more a matter of judgment than precise measurement. A reviewing court must evaluate the whole case from *voir dire* to closing argument, considering the state of the evidence, the strength and weakness of the case, and the verdict.

- Internal Quotations Omitted

3 Am Jur. 555, 562 (1936)

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- What one court may consider as an error of absolutely no consequence, another court may treat as one whose prejudicial character is incapable of estimate.

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