

Appendix Two: Voting of Texas Supreme Court Justices on Error Preservation Issues in *Lloyd's v. Menchaca*

Issue	7 Justices*	Boyd, Hecht, Lehrmann, Devine	Boyd, Lehrmann, Devine	Hecht	Green, Hecht, Guzman, Brown	Green, Guzman, Brown
Trial ct. erred in disregarding jury answer favoring D.	Yes					
Jury Answers conflict	Yes					
Conflict is fatal		Yes				
Conflict is Fundamental Error			No	?	?	
Have to object to preserve			Yes	No, for the reasons Green gives	Not in these circumstances	
Have to object before jury dismissed			Yes		No. Post trial motions here were not necessary, but were good enough here in any event.	
Remand and retrial			Yes, in interest of justice	Yes, only way to correct trial court error		No need-render judgment that P take nothing.

* Justice Johnson did not participate, and Justice Blacklock concurred in the judgment requiring a remand, only.