

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
<b>Trial ct. erred in disregarding jury answer favoring D.</b>	Yes					
<b>Jury Answers conflict</b>	Yes					
<b>Conflict is fatal</b>		Yes				
<b>Conflict is Fundamental Error</b>			No	?	?	
<b>Have to object to preserve</b>			Yes	No, for the reasons Green gives	Not in these circumstances	
<b>Have to object before jury dismissed</b>			Yes		No. Post trial motions here were not necessary, but were good enough here in any event.	
<b>Remand and retrial</b>			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.