

Affirmed and Opinion filed October 28, 1999.



In The

## **Fourteenth Court of Appeals**

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NO. 14-97-01062-CR

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**GARRICK DEON BECK, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 337<sup>th</sup> Judicial District Court  
Harris County, Texas  
Trial Court Cause No. 702,593**

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### **O P I N I O N**

A jury convicted Garrick Deon Beck, appellant, of aggravated robbery and assessed punishment at ten years' imprisonment and a \$5,000 fine. On the jury's recommendation the trial court suspended appellant's sentence and placed him on community supervision. The state filed a motion to revoke and appellant pled true to the commission of a later robbery. The trial court revoked appellant's community supervision and assessed his punishment at six years' imprisonment as recommended by the State. In two points of error appellant contends the sentence was disproportionate to the offense committed and thus constitutes cruel and unusual punishment under the state and federal constitutions. We affirm.

The record reflects that Beck did not object to his sentence at the motion to revoke hearing, nor did he file a motion for new trial to preserve his complaint. We therefore find that nothing is presented for review. *See* TEX. R. APP. P. 33.1; *Stevens v. State*, 667 S.W.2d 534, 538 (Tex. Crim. App. 1984); *Rodriguez v. State*, 917 S.W.2d 90, 92 (Tex. App.—Amarillo 1996, pet. ref'd); *Quintana v. State*, 777 S.W.2d 474, 479 (Tex. App.—Corpus Christi 1989, pet. ref'd).

Even if appellant had properly preserved this complaint, appellant would not be entitled to relief. He was sentenced to a term within the range provided for by statute, and Texas courts have consistently held that sentences falling within the limits prescribed by statute are not “cruel and unusual.” *See Samuel v. State*, 477 S.W.2d 611, 615-616 (Tex. Crim. App. 1972) and cases cited therein. Appellant’s conviction for aggravated robbery carried a range of punishment from five to 99 years in prison and a \$10,000 fine. Six years is obviously at the lower end of this range, and there is nothing in this record which demonstrates that this is cruel and unusual punishment.

The judgment of the trial court is therefore AFFIRMED.

/s/ Joe L. Draughn  
Justice

Judgment rendered and Opinion filed October 28, 1999.

Panel consists of Justices Draughn, Lee, and Hutson-Dunn.\*

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

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\* Senior Justices Joe L. Draughn, Norman Lee, and D. Camille Hutson-Dunn sitting by assignment.