

Affirmed and Opinion filed February 25, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00606-CR

BRIAN DEXTER WELCH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 1173924**

MEMORANDUM OPINION

After a “guilty” plea, appellant was convicted of the offense of aggravated robbery with a deadly weapon. On July 1, 2009, the trial court sentenced appellant to confinement for eighteen years in the Institutional Division of the Texas Department of Criminal Justice.

Appellant’s sole issue on appeal is that even though his sentence is within the punishment range, it constitutes cruel and unusual punishment. The record reflects appellant raised no such objection at his sentencing hearing, nor did he raise the claim

presented on appeal in a post-verdict motion filed with the trial court. Accordingly, nothing is preserved for our review. See Tex. R. App. P. 33.1(a); *Jagaroo v. State*, 180 S.W.3d 793, 802 (Tex. App. — Houston [14th Dist.] 2005, pet. ref'd). Even if appellant had not waived his complaint, he would not prevail. Appellant's punishment was assessed within the statutory range and appellant has failed to demonstrate that his eighteen-year sentence was grossly disproportionate to the offense for which he was convicted. See *Harris v. State*, 204 S.W.3d 19, 29 (Tex. App. -- Houston [14th Dist.] 2006, pet. ref'd). Accordingly, we overrule appellant's issue and affirm the trial court's judgment.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.

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