

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-11-00033-CR**

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**WILSON JOE OWENS, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 09-07252**

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**MEMORANDUM OPINION**

Wilson Joe Owens appeals from the trial court's revocation of his community supervision. Owens contends that his sentence is disproportionate and unreasonable and therefore violates both the United States Constitution and Article I, section 13 of the Texas Constitution. We overrule Owens's issue and affirm the trial court's judgment.

Owens was indicted for robbery, and pursuant to a plea bargain agreement, he pled guilty to the offense. *See* Tex. Penal Code Ann. § 29.02 (West 2011). The trial court found the evidence sufficient to find Owens guilty, but deferred finding him guilty, and placed him on community supervision for seven years. The State subsequently filed a

motion to revoke Owens’s unadjudicated community supervision. Owens pled “true” to three violations of the terms of his community supervision. Thereafter, the trial court found that Owens violated the terms of the community supervision order, found Owens guilty of robbery, revoked Owens’s community supervision, and imposed a sentence of eighteen years of confinement.

In a single issue, Owens complains that the trial court’s punishment was constitutionally disproportionate, and unreasonable under the Eighth Amendment of the United States Constitution and Article I, section 13 of the Texas Constitution. *See* U.S. CONST. amend. VIII; Tex. Const. art. I, § 13.<sup>1</sup> Owens filed a post-sentence motion for new trial on punishment wherein he complained about the alleged excessive sentence.

We will not overturn a trial judge’s decision on punishment absent an abuse of discretion. *See Jackson v. State*, 680 S.W.2d 809, 814 (Tex. Crim. App. 1984). Generally, a sentence that is within the range of punishment established by the Legislature will not be disturbed on appeal. *Id.* Further, the court does not generally consider a punishment that is within the statutory range for the offense excessive, unconstitutionally cruel, or unusual under either the Texas or the United States Constitution. *See Kirk v. State*, 949 S.W.2d 769, 772 (Tex. App.—Dallas 1997, pet.

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<sup>1</sup> Owens does not argue that the Texas Constitution provides greater protection than the United States Constitution. Owens further does not provide any argument regarding Article I, section 13 of the Texas Constitution. *See* Tex. R. App. P. 38.1(h); *Bell v. State*, 90 S.W.3d 301, 305 (Tex. Crim. App. 2002) (holding it is insufficient for appellant to raise only a general constitutional doctrine in support of his request for relief without citing specific legal authorities or arguments to support same).

ref'd); *see also Jackson v. State*, 989 S.W.2d 842, 846 (Tex. App.—Texarkana 1999, no pet.).

Robbery is a second-degree felony, which carries a punishment range of confinement from two to twenty years. Tex. Penal Code Ann. § 12.33 (West 2011).<sup>2</sup> Owens’s sentence of eighteen years is within the statutory range authorized by the Legislature for the crime of robbery. *See id.*

Owens failed to prove that his sentence was grossly disproportionate as the record contains no evidence “reflecting sentences imposed for similar offenses on criminals in Texas or other jurisdictions by which to make a comparison.” *Jackson*, 989 S.W.2d at 846.

Based on the record before us, we are unable to conclude that Owens’s sentence constitutes a cruel and unusual punishment. We overrule Owens’s constitutional challenges to the length of the sentence assessed by the trial court, and affirm the trial court’s judgment.

AFFIRMED.

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CHARLES KREGER  
Justice

Submitted on November 8, 2011  
Opinion Delivered November 16, 2011  
Do not publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.

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<sup>2</sup> Because amended section 12.33 contains no material changes applicable to this case, we cite to the current version of the statute.