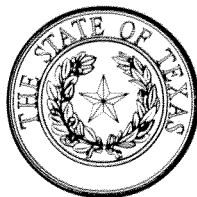


**AFFIRM; Opinion Filed February 6, 2013.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-11-01732-CR  
No. 05-11-01733-CR**

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**HENRY CHARLES AUSTIN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 204th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F10-72132-Q & F10-58385-Q**

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**MEMORANDUM OPINION**

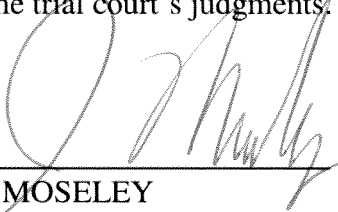
Before Justices Moseley, Francis, and Lang  
Opinion By Justice Moseley

A jury convicted Henry Charles Austin of two counts of aggravated sexual assault of a child under the age of fourteen. The trial court sentenced Austin to a mandatory life sentence in each case, to run concurrently. Austin asserts two issues in this appeal, both related to the punishment assessed by the trial court: (1) the life sentences are excessive and constitute disproportionate punishment for the crimes, and (2) the automatic life sentence imposed in trial court cause number F10-58385-Q is improper because the State failed to file notice of its intent to prove a prior felony conviction and seek an automatic life sentence. The background and facts of the case are well-known to the parties; thus, we do not recite them here. Because all dispositive issues are settled in law, we issue this

memorandum opinion. TEX. R. APP. P. 47.2(a), 47.4. We affirm.

Austin did not file a motion for new trial or otherwise make a timely request, objection or motion to notify the trial court about the complaints he now makes in this appeal. As a result, he failed to preserve his complaints and has waived them. *See* TEX. R. APP. P. 33.1(a); *Castaneda v. State*, 135 S.W.3d 719, 723 (Tex. App.—Dallas 2003, no pet.) (for error to be preserved for appeal, the record must show appellant made a timely request, objection, or motion).

We overrule Austin's two issues, and we affirm the trial court's judgments.



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JIM MOSELEY  
JUSTICE

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TEX. R. APP. P. 47  
111732F.U05



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

HENRY CHARLES AUSTIN, Appellant

No. 05-11-01732-CR            V.

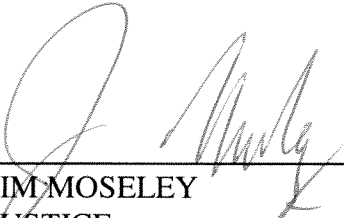
THE STATE OF TEXAS, Appellee

Appeal from the 204th Judicial District  
Court of Dallas County, Texas. (Tr.Ct.No.  
Cause No. F10-58385-Q).

Opinion delivered by Justice Moseley,  
Justices Francis and Lang participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered February 6, 2013.

  
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JIM MOSELEY  
JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

HENRY CHARLES AUSTIN, Appellant

No. 05-11-01733-CR            V.

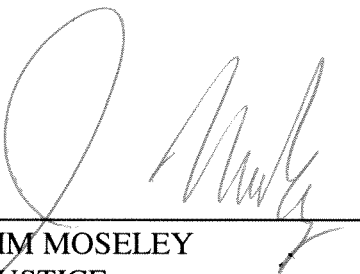
THE STATE OF TEXAS, Appellee

Appeal from the 204th Judicial District  
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Opinion delivered by Justice Moseley,  
Justices Francis and Lang participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered February 6, 2013.

  
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JIM MOSELEY  
JUSTICE