

AFFIRM and Opinion Filed October 23, 2020



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

No. 05-19-01322-CR

No. 05-19-01323-CR

**MAX BOVA NEELY, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 291st Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F19-55234-U, F19-55235-U**

MEMORANDUM OPINION

Before Justices Molberg, Carlyle, and Browning
Opinion by Justice Carlyle

Max Bova Neely entered guilty pleas to aggravated robbery and possession of a firearm by a felon. TEX. PENAL CODE §§ 29.03, 46.04. He also entered true pleas to two enhancements that increased the applicable sentencing range. *Id.* § 12.42(d). The trial court accepted his pleas, found him guilty, and sentenced him to concurrent terms of forty years' confinement.

Mr. Neely contends the trial court erred by violating his common law right to allocution and by giving him a grossly disproportionate sentence. But Mr. Neely did not raise these issues in the trial court through a timely request, objection, or motion,

and thus did not preserve them for our review. *See* TEX. R. APP. P. 33.1(a)(1); *Rhoades v. State*, 934 S.W.2d 113, 120 (Tex. Crim. App. 1996); *McClintick v. State*, 508 S.W.2d 616, 618 (Tex. Crim. App. 1974); *Bell v. State*, 326 S.W.3d 716, 724 (Tex. App.—Dallas 2010, pet. dism'd). We affirm.

/Cory L. Carlyle/

CORY L. CARLYLE
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
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**Court of Appeals
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JUDGMENT

MAX BOVA NEELY, Appellant

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Opinion delivered by Justice Carlyle.
Justices Molberg and Browning
participating.

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

Judgment entered this 23rd day of October, 2020.



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