

**Affirmed and Memorandum Opinion filed February 3, 2011.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-10-00570-CR  
NO. 14-10-00571-CR**

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**ARTHUR OLIVER SANDOVAL, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 209th District Court  
Harris County, Texas  
Trial Court Cause Nos. 1229418 & 1229419**

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**MEMORANDUM OPINION**

Appellant entered a plea of “guilty” to two offenses of aggravated sexual assault of a child. On May 21, 2010, the trial court sentenced appellant to confinement for ten years in the Institutional Division of the Texas Department of Criminal Justice in each case, to run concurrently. Appellant filed a timely notice of appeal in each case.

In each case, appellant raises two issues. Appellant claims the trial court erred by imposing sentences grossly disproportionate to the offenses underlying the convictions resulting in cruel and unusual punishment, in violation of 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.

Appellant's sentences fall on the low end of the applicable statutory range of five to 99 years or life. *See* Tex. Pen. Code § 12.32(a). The record does not reflect that in either case appellant objected to his sentence in the trial court at the time of sentencing or in any post-trial motion. To preserve error for appellate review that a sentence is disproportionate, constituting cruel and unusual punishment, a party must present a timely request, objection or motion to the trial court, state the specific grounds for the objection, and obtain a ruling. *See* Tex. R. App. P. 33.1(a); *Hergert v. State*, 197 S.W.3d 394, 399 (Tex.App.-Beaumont 2006, no pet.); and *Holley v. State*, 167 S.W.3d 546, (Tex.App.-Houston [1st Dist.] 2005, pet. ref'd). Appellant has waived his complaints. We therefore overrule appellant's issues and in each case affirm the trial court's judgment.

PER CURIAM

Panel consists of Justices Brown, Boyce, and Jamison.

Do not publish — TEX. R. APP. P. 47.2(b).