

**Affirmed and Opinion filed June 7, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-98-01391-CR**  
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**VARNEY BROWN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 263<sup>rd</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 752,530**

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**OPINION**

Appellant, Varney Brown, originally received deferred adjudication probation for an aggravated robbery<sup>1</sup> that he committed in 1997. In 1998, the trial court adjudicated his guilt and sentenced him in twenty years' confinement. Brown appeals in two points of error, contending that his twenty-year sentence violates the cruel and unusual prohibitions of the United States and Texas Constitutions.

To preserve error for appellate review, the appellant must make a timely, specific

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<sup>1</sup> Eighteen-year-old Brown stole \$600 dollars at gunpoint from a man with whom he was apparently playing dice.

objection, at the earliest opportunity, and obtain an adverse ruling. TEX. R. APP. P. 33.1; *Rhoades v. State*, 934 S.W.2d 113, 120 (Tex. Crim. App. 1996); *Steadman v. State*, 31 S.W.3d 738, 742 (Tex. App.—Houston [1<sup>st</sup> Dist.] 2000, pet. filed). Nothing in the record indicates that Brown objected at his sentencing on the basis of cruel and unusual punishment. He has waived these points of error.

Accordingly, we affirm his conviction.

/s/ Norman Lee  
Justice

Judgment rendered and Opinion filed June 7, 2001.

Panel consists of Justices Lee, Cannon, and Amidei.\*

Do Not Publish — TEX. R. APP. P. 47.3(b).

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\* Senior Justice Norman Lee, Senior Lee Bill Cannon, and former Justice Maurice Amidei sitting by assignment.