

**Affirmed and Opinion filed August 31, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-99-00666-CR**

**NO. 14-99-00667-CR**  
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**JACQUE KENSHASHWA WASHINGTON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 185<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 715,561 & 715,564**

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**O P I N I O N**

In case number 715,561, a jury found appellant guilty of aggravated robbery and assessed punishment at ten years community supervision. *See* Tex. Pen. Code Ann. § 29.03 (VERNON 1994). In case number 715,564, the same jury found appellant guilty of aggravated assault and assessed punishment at five years community supervision. *See* Tex. Pen. Code Ann. § 22.02 (VERNON 1994). Following a hearing on the State's Motion to Revoke Probation, the trial court assessed punishment at six years confinement in the Texas Department of Criminal Justice for the aggravated robbery conviction and five years confinement for the aggravated

assault conviction. Appellant contends that these sentences amount to cruel and unusual punishment under the Eighth and Fourteenth Amendments of the United States Constitution and under article I, section 13 of the Texas Constitution. For the reasons state below, we affirm the judgment of the trial court.

## DISCUSSION

Appellant acknowledges that the law is well settled in this area. If the punishment is within the statutory range, it is not cruel and unusual. *See Harris v. State*, 656 S.W.2d 481, 486 (Tex. Crim. App. 1983); *Reed v. State*, 894 S.W.2d 806, 811 (Tex. App.–Houston [14<sup>th</sup> Dist.] 1990, pet. ref'd). Appellant's punishment was within the statutory range provided by law. *See* TEX. PEN. CODE ANN. §§ 12.32, 12.33 (Vernon 1994). Further, nothing in the record suggests that the punishment imposed by the trial court was grossly disproportionate to the crime under either the United States or Texas Constitutions. We overrule appellant's points of error and affirm the judgment of the trial court.

/s/ Maurice Amidei  
Justice

Judgment rendered and Opinion filed August 31, 2000.

Panel consists of Justices Amidei, Anderson, and Frost.

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