Affirmed and Memorandum Opinion filed February 27, 2020.

In The

Fourteenth Court of Appeals

NO. 14-19-00436-CR

NOAH DAVIS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1559721

MEMORANDUM OPINION

Appellant was charged with and pleaded "guilty" to possession of cocaine weighing four grams or more but less than 400 grams with intent to deliver. Texas Controlled Substances Act, Tex. Health & Safety Code §§ 481.102(3)(D), 481.112(a), (d). Following a presentence investigation hearing, the trial court assessed punishment at imprisonment for eight years with no fine. Tex. Penal Code § 12.32. Appellant's sole issue on appeal is that his sentence is grossly disproportionate to the crimes and therefore violates the Eighth Amendment to the

United States Constitution and Article 1, Section 13 of the Texas Constitution.

A complaint that a punishment is grossly disproportionate is waived on appeal if that complaint is not raised in the trial court. *See Lozano v. State*, 577 S.W.3d 275, 277 (Tex. App.—Houston [14th Dist.] 2019, no pet.) (holding that disproportionate-punishment challenges cannot be raised for the first time on appeal); *Quick v. State*, 557 S.W.3d 775, 788 (Tex. App.—Houston [14th Dist.] 2018, pet. ref'd) (holding that disproportionate-punishment challenges under Texas Constitution cannot be raised for the first time on appeal). Appellant did not lodge any complaint in the trial court regarding his punishment. Therefore, he has not preserved error for appellate review. *See Lozano*, 577 S.W.3d at 277; *Quick*, 557 S.W.3d at 788..

We overrule appellant's sole issue and affirm the judgment of the trial court.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Jewell and Spain.

Do Not Publish — Tex. R. App. P. 47.2(b).