

**NO. 01-24-00477-CR
NO. 01-24-00478-CR
NO. 01-24-00479-CR
NO. 01-24-00480-CR**

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**IN THE COURT OF APPEALS
FOR THE FIRST SUPREME JUDICIAL DISTRICT
OF TEXAS AT HOUSTON**

**LUCIUS JOHN ALEXANDER WILLIAMS
APPELLANT**

VS.

**THE STATE OF TEXAS
APPELLEE**

APPELLANT'S BRIEF

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LIST OF PARTIES

The Appellant is Lucius John Alexander Williams.

The Appellant's trial counsel was William Leathers.

The Appellant's appellate counsel is Crespin Michael Linton.

The Trial Judge is Greg Hill.

The appellate attorney representing the State is Trey Picard, Assistant District Attorney, Brazoria County, Texas.

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PRELIMINARY STATEMENT

On April 1, 2024, Appellant, Lucius John Alexander Williams (Williams), pleaded guilty in the 239th District Court of Brazoria County, Texas, to the following 4 felony charges: 1) Three counts of Burglary of a Vehicle – enhanced in Cause No. 01-24-00480-CR (99266-CR), 2) Three counts of Unlawful Possession Of A Firearm By Felon in Cause No. 01-24-00479-CR (99267-CR), 3) Unauthorized Use Of A Vehicle in Cause No. 01-24-00478-CR (99444-CR), and 4) Three counts of Burglary of a Vehicle – enhanced in Cause No. 01-24-00477-CR (99714-CR). He pleaded guilty without an agreed plea recommendation from the prosecutor and requested that the trial court sentence him after the preparation of a Presentence Investigation Report. On June 4, 2024, the trial court conducted a punishment hearing and sentenced Williams to 8 years in the Texas Department Of Criminal Justice in Cause No. 01-24-00479-CR and then sentenced Williams to 2 years State Jail in Cause Nos. 01-24-00477-CR, 01-24-00478-CR, and 01-24-00480-CR. Appellant perfected his appeal on June 4, 2024.

STATEMENT OF FACTS

On April 1, 2024, Williams pleaded guilty to the following 4 charges: 1) Three count indictment for Burglary of a Vehicle – enhanced in Cause No. 99266-CR, 2) Three count indictment for Unlawful Possession of a Firearm by Felon in Cause No. 99267-CR, 3) Unauthorized Use of Vehicle in Cause No. 99444-CR, and 4) Three count indictment for Burglary of a Vehicle in Cause No. 99714-CR without an agreed plea recommendation from the prosecutor and requested the preparation of a Presentence Investigation Report. (R.R. Vol. 2 at 6-8) On June 4, 2024, the trial court began Williams’ sentencing hearing. (R.R. Vol. 3 at 6) The trial court admitted the Presentence Investigation Report as State’s Exhibit No. 1 and listened to Appellant who requested to be sentenced to a term of community supervision and to the State who requested that Appellant should be sentenced to prison. (R.R. Vol. 3 at 6)

A. Trial Court’s Sentence

On June 24, 2024, the trial court sentenced Williams to 8 years in the Texas Department of Criminal Justice in Cause No. 99267-CR. (R.R. Vol. 3 at 11) Then the trial court sentenced Williams to 2 years in a

State Jail facility in Cause Nos. 99266-CR, 99444-CR, and 99714-CR.

(R.R. Vol. 3 at 12) Appellant perfected his appeal on June 4, 2024.

(TR. Vol. 1 at 51)

POINTS OF ERROR

POINT OF ERROR ONE:

The trial court erred by assessing a punishment which is grossly disproportionate to the crime committed.

POINT OF ERROR NO. 1

THE TRIAL COURT ERRED BY ASSESSING A PUNISHMENT WHICH IS GROSSLY DISPROPORTIONATE TO THE CRIME COMMITTED

Appellant contends that the sentence assessed against him was excessive and grossly disproportionate to the crime committed. “If the trial court assesses a punishment within the statutorily prescribed limits, the punishment is not cruel and unusual and generally will not be disturbed on appeal.” **Buerger v. State**, 60 S.W. 3d 358, 365 (Tex. App. – Houston [1st Dist.] 2001, review ref’d). However, Appellant contends that the trial court’s punishment was disproportionate to the crime committed and did violate his constitutional right under the Eighth Amendment to the United States Constitution and Article I, Section Thirteen of the Texas Constitution. “Although a sentence may be within the range of punishment permitted by statute, it may nonetheless run afoul of the Eighth Amendment prohibition against cruel and unusual punishment.” **Hicks v. State**, 15 S.W.3d 626, 632 (Tex. App. – Houston [14th Dist.] 2000, review ref’d).

In deciding whether the punishment is disproportionate to the crime committed, “[w]e first make a threshold comparison of the offense against the severity of the sentence, judging the gravity of the offense in light of the harm caused or threatened to the victim or society and the culpability of the offender.” **Culton v. State**, 95 S.W.3d 401,403 (Tex. App. – Houston [1st Dist.] 2002, review ref’d). “Only if we infer that the sentence is grossly disproportionate to the offense, will we then consider the remaining factors of the **Solem** test and compare the sentence received to (1) sentences for similar crimes in the same jurisdiction, and (2) sentences for the same crime in other jurisdictions. **Baldrige v. State**, 77 S.W.3d 890, 893 (Tex. App. – Houston [14th Dist.] 2002, review ref’d).

Appellant acknowledges that the trial court’s sentence falls within the range of punishment which is prescribed by statute for the offense of Unlawful Possession Of Firearm By Felon which is 2 years to 10 years in prison and for Burglary Of Vehicle – enhanced and Unauthorized Use Of Vehicle which is 180 days to 2 years in a State Jail facility. However, Williams contends that the trial court’s decision to assess an 8-year sentence in Cause No. 01-24-00479-CR and 2-year sentences in Cause

Nos. 01-24-00477-CR, 01-24-00478-CR, and 01-24-00480-CR was grossly disproportionate to the crime for four reasons. First, Williams has never been sentenced to a TDC prison term even though he has spent time at the State Jail and in the county jail. Second, Williams was a very young man who was only 21 years old at the time of his arrest for these offenses. Third, Williams committed all these charged offenses during a single night on August 12, 2023. Fourth, while Williams received a probated State Jail sentence on June 29, 2019, for Evading Arrest which was subsequently revoked, he was only 18 at the time of the revocation.

While Williams admits that he should receive punishment for stealing a car, burglarizing cars, and possessing firearms, he contends that his listed four reasons demonstrate that the trial court rendered a grossly disproportionate sentence for the crime committed for a young offender who was barely 18 when he failed to complete community supervision in 2019. The trial court could easily have sentenced Williams to a term of community supervision with strict conditions to ensure the safety of society and his betterment. Appellant contends that the trial court's 8-year sentence was almost the maximum term of 10

years in TDC while the trial court's sentence of 2 years in a State Jail facility was the maximum sentence for the other three charges. So, while Appellant hoped to receive a second opportunity to better himself through community supervision, instead the trial court imposed virtually the maximum sentence allowed by law for all four charges. By assessing a lengthy 8-year TDC sentence for one charge and the maximum 2 years State Jail sentence for the other three charges instead of sentencing Williams to community supervision, the trial court imposed an excessive and grossly disproportionate sentence for the crime Appellant committed.

In addition, Williams contends that a sentence for the crimes of Unlawful Possession Of A Firearm By Felon, Unauthorized Use Of Vehicle, and Burglary Of Vehicle in Brazoria County and other Texas counties would have been significantly lower than the 8-year sentence and the 2 year State Jail sentences respectively for a youthful offender who was so young and so negatively influenced by a father who was incarcerated during his childhood.

CONCLUSION

For the reasons stated, Appellant Williams prays the Court to reverse and acquit or in the alternative to reverse and remand this cause for a new trial.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that Appellant's Brief, as calculated under Texas Appellate Rule of Appellate Procedure 9.4, contains 1587 words as determined by the Word program used to prepare this document.

/s/ Crespin Michael Linton
Crespin Michael Linton

CERTIFICATE OF SERVICE

I do hereby certify that on this the 9th day of August 2024, a true and correct copy of the foregoing Appellant's Brief was served by E-service in compliance with Local Rule 4 of the Court of Appeals or was served in compliance with Article 9.5 of the Rules of Appellate Procedure delivered to the Assistant District Attorney of Brazoria County, Texas, 111 E. Locust, 4th Floor Angleton, Texas 77515 at treyp@brazoriacountytx.gov.

/s/ Crespin Michael Linton
Crespin Michael Linton

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