

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Nicholas Darris Marshall v. the State of Texas

Marshall · No. 01-24-00482-CR · Decided April 16, 2026

SUMMARY

The Texas Court of Appeals for the First District affirmed Nicholas Darris Marshall’s conviction and 12-year sentence for possession of between 4 and 200 grams of methamphetamine. The court held that Marshall failed to preserve his Eighth Amendment proportionality challenge and, alternatively, concluded that the sentence was not grossly disproportionate because it fell within the statutory range.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                            |
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| COURT                 | Court of Appeals for the First District of Texas                                                                                                                                                                                                                                                                                                                                           |
| WRITING FOR THE COURT | Susanna Dokupil; Rivas-Molloy; Johnson; Dokupil                                                                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | Texas Court of Appeals for the First District                                                                                                                                                                                                                                                                                                                                              |
| DECIDED               | April 16, 2026                                                                                                                                                                                                                                                                                                                                                                             |
| DOCKET                | 01-24-00482-CR                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                   |
| PROCEDURAL POSTURE    | Marshall appealed his conviction and twelve-year sentence following his guilty plea, arguing that the sentence was grossly disproportionate under the Eighth Amendment.                                                                                                                                                                                                                    |
| STANDARD OF REVIEW    | A complaint that a sentence is grossly disproportionate and constitutes cruel and unusual punishment must be preserved by a timely request, objection, or motion stating the specific grounds. On the merits, the court applies the gross-disproportionality threshold analysis, considering the sentence in light of the offense's harm, the defendant's culpability, and prior offenses. |
| PRECEDENTIAL VALUE    | Unpublished memorandum opinion; designated do not publish under Texas Rule of Appellate Procedure 47.2(b).                                                                                                                                                                                                                                                                                 |
| PARTIES               | Nicholas Darris Marshall v. The State of Texas                                                                                                                                                                                                                                                                                                                                             |

TOPICS

- sentencing
- cruel and unusual punishment
- preservation of error
- criminal procedure
- appellate procedure

## PRACTICE AREAS

criminal law

criminal procedure

sentencing

constitutional law

## QUESTIONS PRESENTED

1. Whether Marshall preserved for appellate review his claim that his twelve-year sentence was grossly disproportionate and violated the Eighth Amendment.
2. Whether, assuming preservation, Marshall's twelve-year sentence was grossly disproportionate to his offense and therefore constituted cruel and unusual punishment.

## HOLDINGS

1. Marshall failed to preserve his complaint that his sentence was grossly disproportionate because he made no timely Eighth Amendment objection during the punishment hearing and did not raise the constitutional proportionality complaint in a motion for new trial.
2. Even if preserved, Marshall's twelve-year sentence was not grossly disproportionate to his offense and did not violate the Eighth Amendment.

## KEY QUOTATIONS

*“To preserve for appellate review a complaint that a sentence is grossly disproportionate constituting cruel and unusual punishment, a defendant must present to the trial court a timely request, objection, or motion stating the specific grounds for the ruling.”* (at 3)

*“A successful challenge to proportionality is exceedingly rare and requires a finding of “gross disproportionality.””* (at 4)

## FACTUAL BACKGROUND

During a traffic stop, officers discovered an outstanding arrest warrant for Marshall and inventoried his vehicle. They found marijuana, prescription pill bottles, controlled substances in street-level packaging, a significant amount of marijuana, and a bottle containing codeine. Laboratory testing showed that pills and liquid recovered from the vehicle contained 2.1152 grams of methamphetamine. Marshall pleaded guilty, and after a sentencing hearing the trial court imposed twelve years' imprisonment.

## PROCEDURAL HISTORY

Marshall pleaded guilty to possession of between four and 200 grams of methamphetamine. In exchange for the plea, the State waived two enhancement paragraphs in the indictment. After a sentencing hearing, the 300th District Court of Brazoria County sentenced him to twelve years' imprisonment. The court of appeals affirmed, holding that Marshall failed to preserve his Eighth Amendment claim and that, even if preserved, the sentence was not grossly disproportionate.

## DISPOSITION

affirmed

## CASES CITED

- Noland v. State, 264 S.W.3d 144, 152 (Tex. App.—Houston [1st Dist.] 2007, pet. ref'd)
- Pena v. State, 285 S.W.3d 459, 464 (Tex. Crim. App. 2009)
- Lankston v. State, 827 S.W.2d 907, 909 (Tex. Crim. App. 1992)
- State v. Simpson, 488 S.W.3d 318, 322-23
- Lockyer v. Andrade, 583 U.S. 63, 73
- Toledo v. State, 519 S.W.3d 273, 286 (Tex. App.—Houston [1st Dist.] 2017, pet. ref'd)

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