

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT AT EASTLAND

Arthur Gilmer Cross Jr. v. the State of Texas

Cross v. State · No. 11-23-00102-CR · Decided January 15, 2026

SUMMARY

The Eleventh Court of Appeals of Texas affirmed Arthur Gilmer Cross Jr.’s conviction and life sentence for delivery of four grams or more but less than two hundred grams of methamphetamine. The court addressed the sufficiency of the evidence regarding entrapment and the connection between Cross and the offense, the validity of his waiver of counsel and self-representation, and the proportionality of his sentence under the Eighth Amendment.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District at Eastland
WRITING FOR THE COURT	Bailey, C.J.; W. Stacy Trotter, J.; Williams, J.
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	January 15, 2026
DOCKET	11-23-00102-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his conviction and life sentence for delivery of four grams or more but less than two hundred grams of methamphetamine after a jury found him guilty and found four felony enhancement allegations true.
STANDARD OF REVIEW	Under Jackson v. Virginia, the court reviews all evidence in the light most favorable to the verdict to determine whether a rational factfinder could have found the essential elements of the offense and rejected the entrapment defense beyond a reasonable doubt. The court defers to the factfinder's credibility and weight determinations and treats direct and circumstantial evidence equally. Corroboration of a confidential informant's testimony is evaluated after eliminating the informant's testimony and asking whether the remaining evidence tends to connect the defendant to the offense. The validity of waiver of counsel is reviewed under the totality of the circumstances, including the defendant's background, experience, and conduct. Sentencing decisions are reviewed for abuse of discretion and harm, while

	proportionality claims use a threshold comparison of the gravity of the offense and severity of the sentence.
PRECEDENTIAL VALUE	Published opinion; precedential under Texas appellate rules.
PARTIES	Arthur Gilmer Cross Jr. v. The State of Texas

TOPICS

criminal procedure evidence appellate procedure right to counsel cruel and unusual punishment

PRACTICE AREAS

criminal law criminal procedure appellate procedure constitutional law sentencing

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to disprove Cross's entrapment defense beyond a reasonable doubt.
2. Whether, after excluding the confidential informant's testimony, the remaining evidence legally sufficed to connect Cross to the charged delivery offense.
3. Whether Cross knowingly, voluntarily, and intelligently waived his right to counsel and validly invoked his right to self-representation.
4. Whether Cross's life sentence was grossly disproportionate to the offense and violated the Eighth Amendment prohibition against cruel and unusual punishment.

HOLDINGS

1. The evidence was legally sufficient for a rational jury to find the essential elements of delivery of methamphetamine and to reject Cross's entrapment defense beyond a reasonable doubt.
2. The evidence remaining after excluding V.P.'s testimony sufficiently corroborated the confidential informant and tended to connect Cross to the charged offense.
3. Cross knowingly, voluntarily, and intelligently waived his right to counsel and clearly and unequivocally invoked his right to represent himself.
4. Cross's life sentence was not grossly disproportionate to the offense and did not violate the Eighth Amendment; the claim was also forfeited for failure to preserve and adequately brief it.

KEY QUOTATIONS

“Viewing the evidence in the light most favorable to the jury’s verdict, we conclude that the State adduced sufficient evidence from which a rational trier of fact could have logically inferred and found beyond a reasonable doubt the essential elements of the charged offense and could have also found against Appellant on his entrapment defense beyond a reasonable doubt.” (16)

“We conclude, and the record clearly shows, that the trial court thoroughly admonished Appellant regarding the disadvantages and dangers of self-representation, and that Appellant understood those admonishments but

nevertheless knowingly, voluntarily, and intelligently chose to proceed pro se.” (20)

“Because his argument does not survive the threshold test, we need not compare his sentence to others for the same offense that were committed in Texas or elsewhere.” (25)

FACTUAL BACKGROUND

Law enforcement used V.P. as a confidential informant in controlled purchases of methamphetamine from Cross on March 21 and April 25, 2021. The April transaction was recorded, monitored live by law enforcement, and produced 5.83 grams of methamphetamine; officers searched V.P. before and after the transaction and found no contraband other than the purchased drugs. Cross represented himself at trial after extensive oral and written admonishments, with appointed counsel available as standby counsel. The jury convicted Cross of first-degree delivery, found four prior felony enhancements true, and assessed life imprisonment.

PROCEDURAL HISTORY

Cross was indicted in the 29th District Court of Palo Pinto County, Texas, for first-degree felony delivery of methamphetamine, with four prior felony convictions alleged for punishment enhancement. The jury convicted him, found the enhancement allegations true, and assessed life imprisonment; the trial court sentenced him accordingly. After an initial Anders brief and withdrawal of appointed appellate counsel, the appeal was abated for appointment of new counsel, reinstated, and decided on the merits. The court of appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Jackson v. Virginia, 443 U.S. 307, 319, 326 (1979)
- Hernandez v. State, 161 S.W.3d 491, 497-500 (Tex. Crim. App. 2005)
- Bien v. State, 530 S.W.3d 177, 183-86 (Tex. App.—Eastland 2016), *aff’d*, 550 S.W.3d 180 (Tex. Crim. App. 2018)
- Barron v. State, 630 S.W.3d 392, 402-03 (Tex. App.—Eastland 2021, *pet. ref’d*)
- Malone v. State, 253 S.W.3d 253, 257-58 (Tex. Crim. App. 2008)
- Cook v. State, 460 S.W.3d 703, 709-10 (Tex. App.—Eastland 2015, *no pet.*)
- Faretta v. California, 422 U.S. 806, 835-36 (1975)
- Osorio-Lopez v. State, 663 S.W.3d 750, 756-57 (Tex. Crim. App. 2022)
- Huggins v. State, 674 S.W.3d 538, 541 (Tex. Crim. App. 2023)
- Dolph v. State, 440 S.W.3d 898, 902-04 (Tex. App.—Texarkana 2013, *pet. ref’d*)
- Gomez v. State, 686 S.W.3d 436-37
- Burt v. State, 396 S.W.3d 574, 577 (Tex. Crim. App. 2013)
- Lucio v. State, 351 S.W.3d 878, 896 (Tex. Crim. App. 2011)

- State v. Simpson, 488 S.W.3d 318, 322-23 (Tex. Crim. App. 2016)
- Renfro v. State, 529 S.W.3d 229, 233-34 (Tex. App.—Eastland 2017, pet. ref'd)
- Solem v. Helm, 463 U.S. 277, 289-90 (1983)
- Rummel v. Estelle, 445 U.S. 263, 272 (1980)
- Harmelin v. Michigan, 501 U.S. 957, 1005 (1991) (Kennedy, J., concurring)
- Hutto v. Davis, 454 U.S. 370, 374-75 (1982)

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