

**COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH**

Donald Quinn v. The State of Texas

No. 02-25-00261-CR · No. No. 02-25-00261-CR · Decided May 7, 2026

SUMMARY

The Texas Court of Appeals, Second Appellate District, affirmed Donald Quinn’s conviction and 35-year sentence for failing to comply with sex-offender registration requirements. The court held that Quinn failed to preserve his Eighth Amendment gross-disproportionality challenge because he did not object at sentencing or raise the issue in a motion for new trial. The court also noted that the sentence was within the statutory punishment range.

OPINION

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-25-00261-CR _____

DONALD QUINN, Appellant V. THE STATE OF TEXAS On Appeal from Criminal District Court No. 4 Tarrant County, Texas Trial Court No. 1880151 Before Sudderth, C.J.; Bassel and Walker, JJ. Memorandum Opinion by Justice Bassel MEMORANDUM OPINION The State indicted Appellant Donald Quinn for the third-degree felony offense of failing to comply with sex-offender registration requirements, and the indictment contained a habitual-offender paragraph.¹ See Tex. Code Crim.

Proc. art. 62.102(a), (b)(2). A jury found Quinn guilty. In the punishment phase, the trial court found true the allegation that Quinn had previously been convicted of two felonies. This finding raised the punishment range to confinement for life or any term of not more than 99 years or less than 25 years. See Tex. Penal Code § 12.42(d).

The trial court sentenced Quinn to thirty-five years’ imprisonment. Quinn raises one point on appeal—that the sentence assessed was grossly disproportionate to the offense and therefore violative of the Eighth Amendment’s prohibition against cruel and unusual punishment. See U.S. Const. amend. VIII.

We have consistently held that a defendant must preserve error on a grossly- disproportionate-sentence complaint by objecting in the trial court at the time the sentence was imposed or, at the latest, raising the issue in a motion for new trial.² See *Butler v. State*, No. 02-23-00007-CR, 2023 WL 5767320, at *1 & n.2 (Tex. App.—Fort Worth Sept. 7, 2023, pet. ref’d) (mem. op., not

designated for publication) (collecting 1 The indictment also alleged the offense of indecency with a child, but that count was dismissed upon Quinn’s conviction for failing to comply with his sex-offender registration requirements.

2 Quinn filed a motion for new trial, but it states merely that “[t]he verdict is contrary to the law and evidence” and prays that the trial court set aside his conviction. No mention is made of his sentence. 2 cases recognizing preservation requirements).

Because Quinn did neither, he has not preserved his complaint for our review.³ Having held that Quinn’s sole point of error was not preserved for our review, we overrule that point and affirm the trial court’s judgment. 4 /s/ Dabney Bassel Dabney Bassel Justice Do Not Publish Tex. R. App. P. 47.2(b) Delivered: May 7, 2026 3 Even if we could reach the merits of Quinn’s argument, a punishment imposed within the statutory limits, as here, is generally not subject to challenge for excessiveness.

See *Kim v. State*, 283 S.W.3d 473, 475 (Tex. App.—Fort Worth 2009, pet. ref’d); see also *Morgan v. State*, No. 02-23-00269-CR, 2024 WL 976826, at *2 (Tex. App.—Fort Worth Mar. 7, 2024, pet. ref’d) (mem. op., not designated for publication). 4 Quinn’s counsel has twice previously raised an argument complaining about the gross disproportionality of a client’s punishment when the argument had not been preserved at sentencing or in a motion for new trial.

See *Reveron v. State*, Nos. 02-23- 00041-CR, 02-23-00042-CR, 2023 WL 8467385, at *1 (Tex. App.—Fort Worth Dec. 7, 2023, no pet.) (mem. op., not designated for publication); *Butler*, 2023 WL 5767320, at *1. Counsel in this case, as well as in those cited, failed to address preservation. And counsel here failed to attempt to distinguish *Reveron* and *Butler*. *Reveron*, 2023 WL 8467385, at *2 n.3; *Butler*, 2023 WL 5767320, at *1.

We understand that Quinn might want to contest the length of his sentences and that counsel’s duty is to zealously represent Quinn. See *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding). We also recognize that drawing the line between an arguable contention and a frivolous one is not always easy. See *Alvarado v. State*, No. 02-19-00401-CR, 2021 WL 5132530, at *2 (Tex.

App.—Fort Worth Nov. 4, 2021, pet. ref’d) (mem. op., not designated for publication). Nevertheless, a clearer line is counsel’s duty of candor toward the tribunal. See Tex. Disciplinary R. Prof’l Conduct 3.03. 3