

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Randall Lee Langenberg v. the State of Texas

No. 06-25-00148-CR · No. No. 06-25-00148-CR · Decided May 29, 2026

SUMMARY

The Texas Sixth Court of Appeals affirmed convictions and consecutive fifteen-year sentences imposed on Randall Lee Langenberg for three counts of possession of child pornography. The court held that Langenberg failed to preserve his Eighth Amendment cruel-and-unusual-punishment challenge because he did not object at sentencing or raise the issue in a motion for new trial.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Justice Jeff Rambin; Chief Justice Stevens; Justice van Cleef; Justice Rambin
JURISDICTION	Court of Appeals, Sixth Appellate District of Texas at Texarkana
DECIDED	May 29, 2026
DOCKET	No. 06-25-00148-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Langenberg appealed his convictions and consecutive sentences, arguing that the aggregate forty-five-year sentence constituted cruel and unusual punishment under the Eighth Amendment.
STANDARD OF REVIEW	Eighth Amendment challenges to consecutive sentences are subject to ordinary preservation rules; an unpreserved complaint is forfeited and is not reviewed on the merits.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; not designated for publication.
PARTIES	Randall Lee Langenberg v. The State of Texas

TOPICS

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

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether Langenberg preserved his Eighth Amendment challenge to the consecutive sentences as cruel and unusual punishment.
2. Whether the trial court's consecutive sentences violated the Eighth Amendment.

HOLDINGS

1. An Eighth Amendment complaint challenging consecutive sentences is subject to ordinary preservation rules, and a defendant forfeits the complaint by failing to object when sentence is imposed or raise the issue in a motion for new trial.
2. The trial court had statutory authority to order consecutive sentences for multiple offenses under Texas Penal Code Section 43.26 arising from the same criminal episode when the State filed notice to cumulate.

KEY QUOTATIONS

“When the accused is found guilty of more than one offense arising out of the same criminal episode prosecuted in a single criminal action, a sentence for each offense for which he has been found guilty shall be pronounced. Except as provided by Subsection (b), the sentences shall run concurrently.” (2)

FACTUAL BACKGROUND

Langenberg pleaded guilty to three third-degree-felony counts of possessing pornography of a child younger than eighteen years old. The State proved a prior felony conviction, which enhanced the punishment range to that of a second-degree felony, and gave notice that it would seek cumulation of the sentences. The trial court sentenced him to fifteen years on each count and ordered the sentences to run consecutively, for an aggregate term of forty-five years.

PROCEDURAL HISTORY

Langenberg pleaded guilty to three counts of possession of pornography of a child younger than eighteen years old and pleaded true to a prior-felony enhancement. The trial court imposed fifteen years' imprisonment on each count and ordered the sentences to run consecutively. The court of appeals affirmed, holding that Langenberg failed to preserve his Eighth Amendment complaint.

DISPOSITION

affirmed

CASES CITED

- LaPorte v. State, 840 S.W.2d 412, 415 (Tex. Crim. App. 1992)
- Ex parte Carter, 521 S.W.3d 344, 347 (Tex. Crim. App. 2017)
- Ex parte Scott, 541 S.W.3d 104, 118 n.14 (Tex. Crim. App. 2017)
- Curry v. State, 910 S.W.2d 490, 497 (Tex. Crim. App. 1995)

- Williams v. State, No. 06-25-00003-CR, 2025 WL 1859426, at *2 (Tex. App.—Texarkana July 7, 2025, no pet.) (mem. op., not designated for publication)
- Diez v. State, 693 S.W.3d 899, 929 (Tex. App.—Austin 2024, pet. ref'd), cert. denied, 2026 WL 79736 (U.S. Jan. 12, 2026) (No. 25-5969)
- Compton v. State, 666 S.W.3d 685, 728 (Tex. Crim. App. 2023)
- Garza v. State, 435 S.W.3d 258, 262 (Tex. Crim. App. 2014)

OPINION

Randall Lee Langenberg v. the State of Texas

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-25-00148-CR RANDALL LEE LANGENBERG, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 71st District Court Harrison County, Texas Trial Court No. 23-0063X Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Justice Rambin

MEMORANDUM OPINION

Randall Lee Langenberg pled guilty to three counts of possession of pornography of a child younger than eighteen years old, each a third-degree felony. See TEX. PENAL CODE ANN. § 43.26(a) (Supp.). The State filed notice of a prior felony conviction, enhancing the punishment range to that of a second-degree felony—two to twenty years' confinement. See TEX. PENAL CODE ANN. § 12.42(a) (Supp.). The State also filed notice to cumulate each count. See TEX. PENAL CODE ANN. § 3.03 (Supp.). Langenberg pled guilty to each count and pled true to the enhancement. The trial court sentenced Langenberg to fifteen years' imprisonment on each count and ordered the sentences to run consecutively. On appeal, Langenberg argues that the consecutive sentences, forty-five years altogether, are cruel and unusual punishment. We affirm the trial court's judgment. Generally, a trial court has authority to order sentences to run concurrently or consecutively. TEX. CODE CRIM. PROC. ANN. art. 42.08 (Supp.). However, a trial court's discretion is limited by Section 3.03(a) of the Texas Penal Code, which reads: When the accused is found guilty of more than one offense arising out of the same criminal episode prosecuted in a single criminal action, a sentence for each offense for which he has been found guilty shall be pronounced. Except as provided by Subsection (b), the sentences shall run concurrently. See Act of May 26, 1995, 74th Leg., R.S., ch. 596, § 1, sec. 3.03, 1995 Tex. Gen. Laws 3445, 3445 (amended 2023) (current version at TEX. PENAL CODE § 3.03(a)); see *LaPorte v. State*, 840 S.W.2d 412, 415 (Tex. Crim. App. 1992), overruled on other grounds by *Ex parte Carter*, 521 S.W.3d 344, 347 (Tex. Crim. App. 2017). Section 3.03(b)(3) specifically permits consecutive sentencing for multiple Section 43.26 of the Texas Penal Code offenses arising out of the same 2 criminal episode, and the State filed a notice to cumulate. See TEX. PENAL CODE ANN. §§ 3.03(b)(3) (A), 43.26(a). Here, Langenberg does not argue that the individual sentences exceeded the statutory punishment range, nor does he argue that the trial court lacked statutory authority to

cumulate his sentences. He argues instead that the trial court abused its discretion in assessing a sentence that was cruel and unusual. Langenberg's Eighth Amendment argument is subject to ordinary preservation rules. See U.S. CONST. amend. VIII; *Ex parte Scott*, 541 S.W.3d 104, 118 n.14 (Tex. Crim. App. 2017) (orig. proceeding) (citing *Curry v. State*, 910 S.W.2d 490, 497 (Tex. Crim. App. 1995); *Williams v. State*, No. 06-25-00003-CR, 2025 WL 1859426, at *2 (Tex. App. July 7, 2025) (Tex. App.—Texarkana July 7, 2025, no pet.) (mem. op., not designated for publication); *Diez v. State*, 693 S.W.3d 899, 929 (Tex. App.—Austin 2024, pet. ref'd), cert. denied, 2026 WL 79736 (U.S. Jan. 12, 2026) (No. 25-5969) ("In his fourteenth issue, Diez maintains that the trial court's ordering his two sentences to run consecutively violates the Eighth Amendment's ban on cruel and unusual punishment. This issue was not preserved. Eighth Amendment claims like these are subject to the preservation rules and if not preserved are forfeited.").¹ 1 Eighth Amendment claims by juveniles are not subject to the usual preservation requirements. See *Compton v. State*, 666 S.W.3d 685, 728 (Tex. Crim. App. 2023) (citing *Garza v. State*, 435 S.W.3d 258, 262 (Tex. Crim. App. 2014) ("Garza held that a claim by a juvenile criminal defendant that he was improperly subjected to a mandatory life-without-parole sentence in violation of the Eighth Amendment was not subject to ordinary notions of procedural default, such that that claim was not forfeited through a lack of objection in the trial court.")). Langenberg is not a juvenile nor was he at the time of trial. 3 Because Langenberg neither objected when the trial court imposed the sentence nor raised the issue in a motion for new trial, he has failed to preserve this complaint for appellate review. We overrule Langenberg's sole issue. We affirm the trial court's judgment. Jeff Rambin Justice Date Submitted: January 26, 2026 Date Decided: May 29, 2026 Do Not Publish 4