

ARKANSAS COURT OF APPEALS

DIVISION III

No. CACR10-1042

TERRY LYNN PRICE

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 1, 2011

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT, FIFTH
DIVISION [NO. CR-2009-1824]

HONORABLE ERNEST SANDERS,
JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellant, Terry Lynn Price, was found guilty by a jury of aggravated robbery, theft of property, and third-degree battery arising out of the same incident. On appeal, he argues only that the evidence is insufficient to support his conviction for third-degree battery because the State failed to introduce evidence that he acted with the purpose of causing physical injury to the victim, rather than merely doing so recklessly.

We do not address this argument because it is not properly before us. Appellant made no objection whatsoever at trial as to the proof of his intent or purpose to cause injury. Appellant's directed-verdict motion was instead based on his position that the victim did not testify that appellant injured her by means of a deadly weapon (in this case, a knife). The weapon requirement is an element of that section of the second-degree-battery statute under which appellant was charged but not of the lesser-included, third-degree battery of which

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appellant was ultimately convicted. *Compare* Ark. Code Ann. §§ 5-13-202(a)(2) (Supp. 2009) and 5-13-203 (Repl. 2006). Issues not raised at trial will not be addressed for the first time on appeal; an appellant is limited by the scope and nature of the arguments and objections presented at trial and may not change the grounds for objection on appeal. *Lawshea v. State*, 2009 Ark. 600; *Lasker v. State*, 2009 Ark. App. 591; *see* Ark. R. Crim. P. 33.1.

Affirmed.

VAUGHT, C.J., and WYNNE, J., agree.