

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA11-460

S.M.C.

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered September 26, 2012

APPEAL FROM THE GRANT
COUNTY CIRCUIT COURT
[NO. JV-2010-23]

HONORABLE CHRIS E WILLIAMS,
JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Judge

This is an appeal from an adjudication of juvenile delinquency resulting in one year of probation. The sole issue on appeal is the sufficiency of the evidence to support the finding that appellant committed rape. However, because this issue was not preserved for appeal, we affirm without addressing the merits of appellant's argument.

The Arkansas Rules of Criminal Procedure are made applicable to delinquency proceedings by Ark. Code Ann. § 9-27-325(f) (Repl. 2009). This includes Rule 33.1, which provides, *inter alia*, that failure to challenge the sufficiency of the evidence in a bench trial by a motion to dismiss constitutes a waiver of any question pertaining to the sufficiency of the evidence on appeal. See, e.g., *T.C. v. State*, 2010 Ark. 240, 364 S.W.3d 53; *D.B. v. State*, 2010 Ark. App. 433. Here, as appellant concedes, no motion for dismissal was made at trial.

Affirmed.

GLADWIN and ROBBINS, JJ., agree.

William M. Howard, Jr., for appellant.

Dustin McDaniel, Att'y Gen., by: *LeaAnn J. Irvin*, Ass't Att'y Gen., for appellee.



Cite as 2012 Ark. App. 521