

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR12-677

EARNEST TYLER

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered April 3, 2013

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
FOURTH DIVISION
[NO. CR-2011-2317]

HONORABLE HERBERT THOMAS
WRIGHT, JR., JUDGE

AFFIRMED

BILL H. WALMSLEY, Judge

Appellant Earnest Tyler appeals his conviction for possession of a controlled substance with intent to deliver, arguing that there is insufficient evidence to support the conviction. As appellant's argument is not preserved for our review, we affirm.

A Pulaski County jury convicted appellant of possession of a controlled substance (alprazolam) with intent to deliver and found him not guilty of possession of cocaine. On appeal, appellant argues that the State failed to provide substantial evidence that alprazolam is a controlled substance. However, in his directed-verdict motion at trial, appellant only argued that the State had not shown that there was any intent to exchange the alprazolam for something of value. A directed-verdict motion is treated as a challenge to the sufficiency of the evidence and requires the movant to inform the trial court of the specific basis on which the motion is made. *Abshire v. State*, 79 Ark. App. 317, 87 S.W.3d 822 (2002). Arguments



Cite as 2013 Ark. App. 212

not raised at trial will not be addressed for the first time on appeal, and parties cannot change the grounds for an objection on appeal; they are bound on appeal by the scope and nature of the objections and arguments presented at trial. *Id.*

Appellant's argument regarding proof that the contraband was a controlled substance was not raised at trial. Thus, this argument is not preserved for our review, and we affirm.

Affirmed.

WYNNE and BROWN, JJ., agree.

William R. Simpson, Jr., Public Defender, by: *Clint Miller*, Deputy Public Defender, for appellant.

Dustin McDaniel, Att'y Gen., by: *Kathryn Henry*, Ass't Att'y Gen., for appellee.