

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR12-190

GILBERTO MARTINEZ-MARMOL
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered April 17, 2013

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. CR-2010-1599-7]

HONORABLE JOANNA TAYLOR,
JUDGE

AFFIRMED

ROBIN F. WYNNE, Judge

Gilberto Martinez-Marmol appeals from his conviction by a Washington County jury on three counts of rape.¹ He was sentenced to 300 months' imprisonment. He argues on appeal that the circuit court erred in allowing evidence of his confession at trial because the confession was obtained in violation of his constitutional rights. Because appellant's argument is not preserved for review, we affirm.

Appellant, who does not speak English, filed two motions in limine prior to trial. In both motions, he objected to the introduction at trial of a transcript of his interview by police that was prepared by someone who is not a certified translator. Ultimately, the trial court ruled in his favor and determined the transcript to be inadmissible. The detective who prepared the transcript was allowed to testify regarding his recollection of the interview.

¹This court previously ordered rebriefing in an opinion dated January 30, 2013. *Martinez-Marmol v. State*, 2013 Ark. App. 46.



Appellant did not object to the detective's testimony on the grounds that his confession was illegally obtained.

In his brief, appellant argues that his waiver of his *Miranda* rights was not done knowingly or intelligently, and, for support, states that he has an IQ of 52, a fifth-grade education, and does not speak English. Our review of the motions in limine and the motion hearings in the record indicates that appellant never challenged the confession on these grounds before the trial court. Appellant also did not raise this argument at trial. This court will not consider arguments raised for the first time on appeal; thus, a party cannot change the grounds for an objection on appeal but is instead bound by the scope and nature of his arguments made at trial. *C.L. v. State*, 2012 Ark. App. 374. Appellant's argument is not preserved and will not be considered on appeal. The trial court's sentencing order is affirmed.

Affirmed.

HIXSON and WOOD, JJ., agree.

Carey E. Lyles Dowdy, for appellant.

Dustin McDaniel, Att'y Gen., by: *Christian Harris*, Ass't Att'y Gen., for appellee.