

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-13-235

SAMUEL D. SNOWDEN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered November 6, 2013

APPEAL FROM THE PIKE COUNTY
CIRCUIT COURT
[NO. CR-12-36-2]

HONORABLE CHARLES A.
YEARGAN, JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Judge

This is an appeal from a conviction for failure to meet sex-offender-reporting requirements. After a bench trial, appellant was found guilty of failure to timely register as required by Ark. Code Ann. § 12-12-904 (Repl. 2009) and was sentenced to one year in prison, with any additional sentence suspended for a period of two years.

The sole argument on appeal is that the evidence is insufficient to support appellant's conviction because the State failed to prove that the Texas statute under which appellant was previously convicted is sufficiently similar to Arkansas statutes to require appellant to register. *See* Ark. Code Ann. § 12-12-903 (Repl. 2009). We cannot address this argument because it is not preserved for appellate review. In order to preserve a challenge to the sufficiency of the evidence for appeal, a defendant must move for a directed verdict or dismissal, and the failure to make such a motion in the proper time and manner constitutes a waiver of any question pertaining to the sufficiency of the evidence to support the judgment. Ark. R.

Crim. P. 33.1(c). Here, appellant made no such motion at trial, and the issue of evidentiary sufficiency is not preserved for appeal.

Affirmed.

GLADWIN, C.J., and WOOD, J., agree.

James Law Firm, by: *William O. "Bill" James, Jr.*, for appellant.

Dustin McDaniel, Att'y Gen., by: *Kathryn Henry*, Ass't Att'y Gen., and *Jennifer Byrne*, Law Student Admitted to Practice Pursuant to Rule XV of the Rules Governing Admission to the Bar of the Supreme Court under the supervision of *Darnisa Evans Johnson*, Deputy Att'y Gen., for appellee.