

**ARKANSAS COURT OF APPEALS**

DIVISION I

No. CR-17-804

SONNY A. BYRUM

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered** April 4, 2018

APPEAL FROM THE FAULKNER  
COUNTY CIRCUIT COURT  
[NO. 23CR-15-589]

HONORABLE CHARLES E.  
CLAWSON, JR., JUDGE

AFFIRMED

---

**BRANDON J. HARRISON, Judge**

Sonny Byrum appeals his convictions for rape and knowingly exposing another to the human immunodeficiency virus. His sole argument on appeal is that the circuit court violated his Sixth Amendment right to counsel of his choice. We affirm.

The State filed charges against Byrum in 2015. Byrum retained private counsel, who appeared at seven pretrial hearings over eighteen months. On 23 May 2017, during a pretrial hearing that was held one week before the scheduled trial, the following colloquy occurred:

COURT: Ms. Maples [defense counsel], we have on for a plea today CR-15-589, State versus Sonny Byrum. Is Mr. Byrum with us . . . Sonny Byrum?

DEFENSE COUNSEL: He's here. He must be outside. Your Honor, he's changed his mind about the plea.

COURT: That's fine. He's set for trial the 30th. That'd be next week.

DEFENSE COUNSEL: I know.

(Whereupon Mr. Byrum enters the courtroom.)

COURT: Mr. Byrum, I've called your case. You're on our docket today. I understand that you have opted to reject the plea offer may [sic] by the State?

BYRUM: Yes, sir. Me and my lawyer had a big disagreement and I would like to have time to hire a different lawyer.

COURT: No, sir, you've got trial next week. You should have had your disagreement a lot [sic] time ago.

BYRUM: Okay.

COURT: You have trial on the 30th of May. We'll be here at nine o'clock at that morning to go to trial.

BYRUM: Okay.

COURT: See you then.

BYRUM: Thank you.

We read the record as showing that Byrum essentially asked the court for a continuance one week before a trial that had already been postponed for a long time. He told the circuit court, "Me and my lawyer had a big disagreement and I would like to have time to hire a new lawyer." That was the full extent of the exchange. On appeal, Byrum expands this statement to say that the circuit court violated his Sixth Amendment right to counsel of his choice. No argument was made to the circuit court based on the Sixth Amendment, much less a developed one, either orally or in paper form. And he does not argue on appeal that the circuit court abused its discretion in denying a continuance.

A party is bound by the nature and scope of the objections and arguments made at trial and may not enlarge or change those grounds on appeal. *Stewart v. State*, 2012 Ark.

349, at 8, 423 S.W.3d 69, 74. Because Byrum argues for the first time on appeal that his Sixth Amendment right was violated, we hold that his new argument is not preserved for our review. Byrum's convictions are affirmed.

Affirmed.

GRUBER, C.J., and VAUGHT, J., agree.

*Robert M. "Robby" Golden*, for appellant.

*Leslie Rutledge*, Att'y Gen., by: *Christian Harris*, Ass't Att'y Gen., for appellee.