

Cite as 2009 Ark. App. 667

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR 09-284

KENDRICK HUNTER HUNT
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered OCTOBER 7, 2009

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. CR2008-3393]

HONORABLE WILLARD
PROCTOR, JR., JUDGE

AFFIRMED

WAYMOND M. BROWN, Judge

On November 12, 2008, a Pulaski County jury found Kendrick Hunter Hunt guilty of possession of a controlled substance (PCP), resisting arrest, and misdemeanor fleeing.¹ He challenges the sufficiency of the evidence for the possession charge, claiming that the State presented insufficient evidence to establish that he knowingly or purposely possessed PCP. Hunt did not preserve his argument for appellate review; therefore, we affirm.

On July 23, 2008, North Little Rock police officer Micah Sexson was on patrol when he saw Hunt riding a motor scooter without a license plate. When Sexson turned on his blue lights, Hunt accelerated and attempted to escape. Hunt later dropped the motor scooter and fled on foot. Sexson eventually caught Hunt and, with the help of two other officers and a can

¹ Hunt was also charged with possession of a controlled substance (cocaine) with intent to deliver, but he was acquitted of that charge.

of pepper spray, handcuffed him. Upon arresting Hunt, the officers found in his back pants pocket a hand-rolled cigarette that had been dipped in PCP and wrapped in foil.

At the conclusion of the State's case, Hunt moved for directed verdict. That motion was denied. He then rested without presenting a defense and renewed his motion, which was again denied. The jury later found Hunt guilty of the aforementioned crimes and sentenced him to thirty years in the Arkansas Department of Correction.

On appeal, Hunt challenges the sufficiency of the evidence to support the conviction for possession of PCP. While he concedes that he possessed the contraband, he contends that the State failed to show that he knowingly or purposefully did so. However, this argument is not preserved for appellate review. At trial, Hunt moved for and renewed his motion for directed verdict at the appropriate times. *See* Ark. R. Crim. P. 33.1(a) (requiring a defendant in a jury trial to move for directed verdict at the close of the State's case and to renew the motion at the close of evidence). But he made no argument regarding the possession of PCP. All of his arguments at trial went toward defeating a charge upon which he was acquitted. An appellant cannot change the grounds for a directed-verdict on appeal; he is bound by the scope and nature of the arguments he made at trial. *Avery v. State*, 93 Ark. App. 112, 217 S.W.3d 162 (2005). Accordingly, we affirm without reaching the merits.

Affirmed.

PITTMAN and KINARD, JJ., agree.