

Supplemental Opinion on Denial of Rehearing
Delivered February 9, 1987

723 S.W.2d 1

1. APPEAL & ERROR — PETITION FOR REHEARING — ARGUMENTS RAISED ON APPEAL WILL NOT BE CONSIDERED AGAIN ON REHEARING. — Arguments raised on appeal will not be considered again on petition for rehearing.
2. APPEAL & ERROR — FAILURE TO MAKE APPROPRIATE OBJECTION IN TRIAL COURT. — The appellate court will not consider an argument for reversal in the absence of an appropriate objection in the trial court.

Petition for Rehearing; denied.

PER CURIAM. [1] By petition for rehearing Richard Wayne Snell offers three reasons for a reversal of his conviction for capital felony murder. Two of the asserted grounds (the admission of evidence concerning the Covenant, Arm and Sword of the Lord and the fact the jury was told the meaning of life without parole) were argued previously and will not be discussed

anew. See Rule 20(g) of the Rules of the Supreme Court and Court of Appeals.

The remaining point, which was not raised in the trial court nor in this court prior to the petition for rehearing, concerns the issue of double counting. In *Collins v. Lockhart*, 754 F.2d 258 (8th Cir. 1985) the Eighth Circuit Court of Appeals vacated the death penalty of Carl Albert Collins because one of the aggravating circumstances, murder for pecuniary gain, duplicated one of the elements of the crime itself, murder committed in the course of a robbery. The duplication was held to be a violation of the 8th and 14th Amendments to the United States Constitution. See also *Woodard v. State*, 806 F.2d 153 (8th Cir. 1986) and *Ruiz v. Lockhart*, 806 F.2d 158 (8th Cir. 1986).

[2] However, we have never decided the issue and do not do so here because there was no objection on that ground to the jury instructions at trial and no argument to that effect in the initial appeal. Few rules are as settled as the fundamental rule that we will not consider an argument for reversal in the absence of an appropriate objection in the trial court. *Fretwell v. State*, 289 Ark. 91, 98, 718 S.W.2d 109 (1986). We find no basis for an exception in this case. *Wicks v. State*, 270 Ark. 781, 606 S.W.2d 366 (1980).

Petition for rehearing denied.

GLAZE, J., not participating.