

Affirmed.

Supplemental Opinion on Denial of Rehearing  
June 29, 1987

731 S.W.2d 214

1. TRIAL — FAILURE TO MAKE TIMELY OBJECTION TO CLOSING ARGUMENT. — By not objecting when the statements were made during plaintiff's closing argument and waiting until after plaintiff's closing argument to make a motion for mistrial, appellant failed to make a timely objection that would have given the trial court the opportunity to correct any error committed during the closing argument.
2. APPEAL & ERROR — REPETITION OF ARGUMENT MADE ON APPEAL IS AN INAPPROPRIATE SUBJECT FOR PETITION FOR REHEARING. — A repetition of an argument made on appeal is an inappropriate subject for a petition for rehearing. [Sup. Ct. R. 20(g).]

Petition for Rehearing; denied.

JACK HOLT, JR., Chief Justice. [1] The appellant, Butler Manufacturing Co., has filed a petition for rehearing based on an alleged error of law and fact in this court's opinion handed down May 18, 1987. 292 Ark. 198, 729 S.W.2d 142 (1987). In that opinion we explained that Butler had waived its objection to certain statements made during closing argument because they did not make a timely objection. Specifically, we stated: "No objection was made to these statements by Butler's attorney during the closing arguments." Actually, the record reveals that an objection in the form of a motion for mistrial was apparently made after the plaintiff's closing argument and before Butler's argument, in a proceeding out of the presence of the jury. This proceeding was not part of the record, but the judge referred to its having taken place elsewhere in the transcript. This error in the opinion does not affect the outcome of Butler's appeal inasmuch as, by not objecting when the statements were made during plaintiff's closing argument, Butler still failed to make a timely objection that would have given the trial court the opportunity to correct any error committed during the closing argument.

[2] Butler's other argument involves the law governing the granting of a new trial and is essentially a repetition of his original argument. It is therefore an inappropriate subject for a petition

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for rehearing. Sup. Ct. R. 20(g).

Accordingly, the petition for rehearing is denied.