

## Rodney WRIGHT v. STATE of Arkansas

CR 96-1280

939 S.W.2d 835

Supreme Court of Arkansas  
Opinion delivered March 3, 1997

APPEAL & ERROR — ARGUMENT RAISED FOR FIRST TIME ON APPEAL — ARGUMENT NOT REACHED. — The supreme court was unable to reach the merits of appellant's argument because the argument was raised for the first time on appeal; appellant's contention that his sentence was cruel or unusual could not be addressed where he did not object to the sentence at the trial level.

Appeal from Conway Circuit Court; *Paul Danielson*, Judge; affirmed.

*Michael L. Allison*, for appellant.

*Winston Bryant*, Att'y Gen., by: *Kent G. Holt*, Asst. Att'y Gen., for appellee.

W.H. "DUB" ARNOLD, Chief Justice. The appellant was convicted of delivery of nine hundred and sixty-seven milligrams of crack cocaine, a Class Y felony. Ark. Code Ann. § 5-64-401(a)(1)(i) (Supp. 1995). He was sentenced as a habitual-offender to fifty years in prison. We note that, at the time of his sentencing, the appellant had more than twenty prior convictions for forgery and one prior conviction for burglary. Under the habitual-offender statute, he was subject to a sentence of ten years to life. Ark. Code Ann. § 5-4-501(b)(1) (Supp. 1995). The sentence imposed by the jury is within the range of punishment established by the legislature.

[1] For his sole argument on appeal, he claims that the sentence was cruel and unusual, in violation of the Eighth Amendment to the United States Constitution. We affirm because we are unable to reach the merits of the appellant's argument. The argument is raised for the first time on appeal. We will not address an appellant's contention that a sentence is cruel or unusual if he did not object to the sentence at the trial level. *Whitney v. State*, 326 Ark 206, 930 S.W.2d 343 (1996); *Williams v. State*, 320 Ark. 498, 898 S.W.2d 38 (1995).

Affirmed.