

**SUPREME COURT OF ARKANSAS**

No. CR10-1317

THERNELL HUNDLEY

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

**Opinion Delivered**      September 22, 2011

PRO SE APPEAL FROM THE CLARK COUNTY CIRCUIT COURT, CR 79-105, HON. ROBERT E. MCCALLUM, JUDGE

AFFIRMED.

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**PER CURIAM**

In 1980, appellant Thernell Hundley entered a plea of guilty to capital murder in the Clark County Circuit Court. In 2010, he filed a pro se petition to dismiss the judgment. The petition was denied, and he brings this appeal. We find no error and affirm.

Appellant is currently serving a life sentence without parole pursuant to the judgment. He argued in the petition to dismiss filed in the circuit court that he was seventeen years of age at the time of his conviction and that his life sentence violated the Arkansas Constitution, Arkansas statutes, international law, the Eighth Amendment to the United States Constitution, and Article 37 of the United Nations Convention on the Rights of the Child. Appellant cited as authority *Graham v. Florida*, 130 S. Ct. 2011 (2010), for his Eighth Amendment claim. He asserted that, as a result of these violations of law, he was entitled to a “discharge.”

In his brief on appeal, appellant reasserts that his life sentence without parole violates unspecified provisions of the Arkansas Constitution, Arkansas statutes, and international law. We are precluded from considering appellant’s state- and international-law arguments because



he failed to develop those claims below, and on appeal, and this court does not research or develop arguments for appellants. *Eastin v. State*, 2010 Ark. 275.

However, appellant did develop—both below and in his brief on appeal—his argument that the Eighth Amendment and *Graham v. Florida* prohibit his life-without-parole sentence. We hold that the claim has no merit.

The Supreme Court held in *Graham* that the Eighth Amendment prohibits the imposition of a sentence of life without parole on a juvenile offender who did not commit homicide and that the State must give a juvenile, nonhomicide offender sentenced to life imprisonment a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. This court has acknowledged the *Graham* holding and addressed its applicability to only nonhomicide offenses. *See Cox v. State*, 2011 Ark. 96 (noting that juvenile defendant sentenced to life imprisonment as an accomplice to capital murder was consistent with *Graham*); *Jackson v. Norris*, 2011 Ark. 49, 378 S.W.3d 103 (observing that the prohibition in *Graham* applies only to nonhomicide offenses).

Here, appellant pled guilty to a homicide offense—capital murder. As interpreted in *Graham*, his sentence of life imprisonment without parole did not violate the Eighth Amendment because he was convicted of a homicide offense. Accordingly, the circuit court did not err in denying his petition.

Affirmed.

*Thernell Hundley*, pro se appellant.

No response.