

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
KAREN R. BAKER, JUDGE

DIVISION IV

CACR07-00124

FELANTA D. WILLIAMS

OCTOBER 3, 2007

APPELLANT

v.

APPEAL FROM THE PULASKI COUNTY
CIRCUIT COURT
[NO. CR-06-2452]

STATE OF ARKANSAS

APPELLEE

HONORABLE CHRISTOPHER CHARLES
PIAZZA JUDGE

AFFIRMED

Appellant's sole point for reversal of his conviction of attempted first-degree murder is that the trial court erred in declining to give jury instructions on two lesser-included offenses, attempted manslaughter and attempted negligent homicide. We find no error and affirm.

Appellant was charged with attempted first-degree murder, and the jury was instructed on attempted first-degree murder, attempted second-degree murder, and aggravated assault. The jury convicted appellant of attempted murder in the first degree. On appeal, he claims only that the trial court erred in refusing to instruct the jury on the charges of attempted manslaughter and attempted negligent homicide. Because appellant failed to proffer these instructions to the trial court or object to the instructions as given, this argument is not preserved for review.

In order to preserve for appeal any objection to the circuit court's failure to give an instruction, the appellant must make a proffer of the instruction to the circuit court judge. *Davis v. State*, 368 Ark. 401, ___ S.W.3d ___ (2007). At trial, appellant discussed possible instructions;

however, he never proffered a copy of the proposed instructions for either attempted manslaughter or attempted negligent homicide. For that reason, appellant did not properly preserve his argument regarding the instruction for appeal, and, we decline to address the argument.

Affirmed.

MARSHALL and MILLER, JJ., agree.