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Cite as 2012 Ark. App. 293

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR11-16

LORI ANN PAMPLIN APPELLANT V. STATE OF ARKANSAS APPELLEE	Opinion Delivered April 25, 2012 APPEAL FROM THE GRANT COUNTY CIRCUIT COURT, [NO. CR2009-107-2] HONORABLE PHILLIP SHIRRON, JUDGE AFFIRMED

RAYMOND R. ABRAMSON, Judge

Appellant Lori Pamplin pleaded guilty to three counts each of residential burglary and theft of property ($2500 or more), both Class B felonies, for entering three residences and taking property that included jewelry and electronics. After hearing the testimony of the victims, Detective Jason Teague, appellant, and appellant's pastor, a jury recommended sentences of ten years in the Arkansas Department of Correction on each of the six counts. The court ordered the burglary sentences to be served consecutively, resulting in a total sentence of thirty years. On appeal, appellant argues that (1) the trial court abused its discretion in ordering her sentences to be served consecutively and (2) the trial court erred

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in overruling the objection to the prosecutor's comments during closing argument regarding time actually served for sentences.[1] We affirm.

First, appellant argues that the trial court abused its discretion in ordering that her sentences be served consecutively for the three residential burglary offenses, resulting in an "excessive" sentence of thirty years. The State responds that this argument is not preserved for appellate review, and we agree.

Appellant did not make a contemporaneous objection when the court announced from the bench that the three burglary sentences would run consecutively. A contemporaneous objection is required to preserve an issue for appeal. *Camacho-Mendoza v. State*, 2009 Ark. App. 597, at 9, 330 S.W.3d 46, 50. This court will not consider an argument contesting consecutive sentences if the appellant failed to object below. *See Gardner v. State*, 332 Ark. 33, 39, 963 S.W.2d 590, 593 (1998). Thus, we do not address appellant's first argument on appeal.

Second, appellant asserts that the trial court erred in overruling her objection to the prosecutor's allegedly improper statements during closing argument. At sentencing, the following exchange took place:

> PROSECUTION: What the Judge has also told you is that if you give a term of imprisonment over at the Department of Corrections, they don't serve all that time, okay. Now, y'all probably already know that. If you get five years, you're not going

[1]Initially, appellant's counsel filed a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Ark. Sup. Ct. R. 4-3(k) (2011), along with a motion to be relieved as counsel. Appellant filed pro se points for reversal. On January 11, 2012, this court ordered rebriefing. *Pamplin v. State*, 2012 Ark. App. 45.

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> to serve five years. If you get 20 years, you're not going to be over there for 20 years. The Department of Corrections has got formulas, they have what they call sentencing–
>
> DEFENSE: Your Honor, I have never objected that I can recall before in my life during a closing argument, but he doesn't know that and the jury doesn't need to be concerned with whether or not she'll serve all the time or part of the time. The jury needs to make a finding and the rest of that is up to the Department of Corrections and none of us know that.
>
> THE COURT: The considerations of the jury are part of an instruction. We've already read those, the objection is overruled.

Appellant's objections below were that the prosecutor did not know what he was talking about and that the jury did not need to be concerned with how much of her sentence appellant would actually serve. Here, however, appellant argues that the comments were "improper and misleading to the jury on their considerations during sentencing," citing Arkansas Rules of Evidence 402 and 403. Thus, appellant has changed her argument from below. We will not consider arguments that are raised for the first time on appeal; a party is bound on appeal by the nature and scope of the objections and arguments presented at trial. *Simmons v. State*, 90 Ark. App. 273, 278, 205 S.W.3d 194, 197 (2005).

Affirmed.

PITTMAN and BROWN, JJ., agree.