

**SECOND DIVISION
BARNES, P. J.,
ADAMS and MCFADDEN, JJ.**

**NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
days of the date of decision to be deemed timely filed.
(Court of Appeals Rule 4 (b) and Rule 37 (b), February 21, 2008)
<http://www.gaappeals.us/rules/>**

August 23, 2012

In the Court of Appeals of Georgia

A12A1296. LACKLEY v. THE STATE.

MCFADDEN, Judge.

Monesha Lackley was indicted for felony murder, aggravated assault and armed robbery. Pursuant to a plea agreement, the state dismissed the felony murder and aggravated assault charges, and Lackley pled guilty to armed robbery. The trial court imposed a 20-year sentence, ordering Lackley to serve 15 years in confinement and the remaining 5 years on probation. Lackley filed a motion to modify the sentence, which the trial court denied. Lackley appeals, arguing that the sentence of 15 years in confinement violates the prohibition of the Eighth Amendment of the United States Constitution against cruel and unusual punishment. However, the 20-year sentence does not exceed the permissible maximum for the offense to which Lackley pled guilty. See OCGA § 16-8-41 (b) (sentencing range of 10 to 20 years for

armed robbery). A “sentence which falls within statutorily mandated parameters is not subject to attack on Eighth Amendment grounds.” (Citations and punctuation omitted.) *Inglett v. State*, 239 Ga. App. 524, 529 (9) (521 SE2d 241) (1999). Accordingly, the trial court did not err in denying the motion to modify the legally appropriate sentence for Lackley’s guilty plea to armed robbery. See *Trimble v. State*, 274 Ga. App. 536, 537 (1) (618 SE2d 163) (2005), disapproved in part on other grounds, *Miller v. State*, 285 Ga. 285, 287 (676 SE2d 173) (2009).

Judgment affirmed. Barnes, P. J., and Adams, J., concur.