

ARKANSAS COURT OF APPEALS

DIVISION I
No. CACR09-172

C. SCOTT MANNIS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered December 9, 2009

APPEAL FROM THE ARKANSAS
COUNTY CIRCUIT COURT
[NO. CR-08-25, CR-08-26]

HONORABLE DAVID G. HENRY,
JUDGE

AFFIRMED

LARRY D. VAUGHT, Chief Judge

At a bench trial, appellant C. Scott Mannis was convicted of harassment in two separate cases.¹ He was fined \$355 in each case and sentenced to two, concurrent ten-day jail sentences. Mannis makes three arguments on appeal: 1) that his conviction was not supported by sufficient evidence because he lacked the requisite intent to harass the victim; 2) that the evidence used to convict him was inadequate because the victim’s testimony was not corroborated; 3) that the trial court erroneously relied on testimony from prior cases in its weighing of Mannis’s credibility.²

¹Although the cases and convictions were separate they were tried together, and Mannis consolidates his sufficiency-of-the-evidence arguments on appeal.

²Unfortunately, his last two claims of error are made for the first time on appeal, and arguments not made to the trial court below will not be heard for the first time on appeal. *Rains v. State*, 329 Ark. 607, 611, 953 S.W.2d 48, 51 (1997). Additionally, parties may not change the grounds for an objection on appeal and are bound by the scope and nature of the objections and arguments presented at trial. *Id.* at 611, 953 S.W.2d at 51.

As to Mannis's argument that he lacked the intent to harass the victim, the evidence is reviewed in the light most favorable to the State, and the conviction is affirmed if the verdict is supported by substantial evidence. *Larue v. State*, 34 Ark. App. 131, 132, 806 S.W.2d 35, 36 (1991). Substantial evidence is evidence that is of sufficient force and character that it will, with reasonable certainty, compel a conclusion without resort to speculation or conjecture. *Id.* at 132, 806 S.W.2d at 36. And, as to the particular offense in question, a person commits the offense of harassment if, "with purpose to harass, annoy, or alarm another person, without good cause, he places a person under surveillance by remaining present outside that person's school, place of employment, vehicle, other place occupied by that person, or residence, other than the residence of the defendant, for no purpose other than to harass, alarm, or annoy." Ark. Code Ann. § 5-71-208(a)(6) (Repl. 2005).

At trial, Kay Bishop (the victim), testified that on June 17, 2007, she observed Mannis looking into her living room window and taking pictures. She told the court that he circled her house and workplace on a daily basis. According to her testimony, on one occasion (when she and her daughters were outside grilling) Mannis circled her house until 7:30 p.m. She also claimed that Mannis would park behind her house and remain there for hours and that he would park near her workplace and watch her. Bishop testified that she purchased a firearm to protect her children and herself from the threat, and that on several occasions she notified the police about Mannis's behavior. In response, Mannis denied having any intent to harass Bishop, and he disputed much of what Bishop claimed that he had done.

However, the trial court was free to discount all of Mannis's testimony as credibility

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determinations are for the judge to make as the trier of fact. *Carter v. State*, 360 Ark. 266, 269, 200 S.W.3d 906, 908 (2005). On appeal, we will not weigh the evidence of one side against the other; we simply determine whether the evidence supports the verdict. *Johnson v. State*, 70 Ark. App. 343, 346, 19 S.W.3d 66, 69 (2000). The evidence introduced at trial is more than sufficient to support Mannis's harassment convictions.

Affirmed.

HART and ROBBINS, JJ., agree.