

IN THE COURT OF APPEALS 12/17/96

OF THE

STATE OF MISSISSIPPI

NO. 94-KA-00991 COA

STELLA MARIE LOVE

APPELLANT

v.

STATE OF MISSISSIPPI

APPELLEE

PER CURIAM AFFIRMANCE MEMORANDUM OPINION

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. ROBERT LEWIS GIBBS

COURT FROM WHICH APPEALED: YAZOO COUNTY CIRCUIT COURT

ATTORNEY FOR APPELLANT:

CHRISTOPHER G. HOLT

ATTORNEY FOR APPELLEE:

OFFICE OF THE ATTORNEY GENERAL

BY: SCOTT STUART

DISTRICT ATTORNEY: EDWARD J. PETERS

NATURE OF THE CASE: CRIMINAL--FELONY

TRIAL COURT DISPOSITION: MANSLAUGHTER: SENTENCED TO SERVE 20 YEARS;
SENTENCE TO RUN CONSECUTIVE TO ANY AND ALL PREVIOUSLY IMPOSED

BEFORE THOMAS, P.J., BARBER, AND MCMILLIN, JJ.

PER CURIAM:

Stella Love pled guilty to manslaughter and was sentenced to twenty years imprisonment. She appeals, assigning one issue as error: Whether the trial court erred in imposing the twenty-year sentence. Finding no error, we affirm.

Because Love failed to object to her sentence at the sentencing hearing, she is procedurally barred from raising this issue on appeal. *Smith v. State*, 569 So. 2d 1203, 1206 (Miss. 1990); *Reed v. State*, 536 So. 2d 1336, 1339 (Miss. 1988).

Notwithstanding the procedural bar, there is no merit to this issue. Under section 97-3-25, the maximum penalty for manslaughter is twenty years in the penitentiary. Miss. Code Ann. § 97-3-25 (1972). Sentencing is generally a matter solely within the trial court's discretion. *Green v. State*, 631 So. 2d 167, 176 (Miss. 1994) (citation omitted). This Court will not review a sentence if it is within the statutory limits. *Edwards v. State*, 615 So. 2d 590, 598 (Miss. 1993); *Reynolds v. State*, 585 So. 2d 753, 756 (Miss. 1991).

The trial court conducted a sentencing hearing during which Love and a number of other witnesses testified on her behalf. The trial court also reviewed the pre-sentence report prior to sentencing Love. Love was indicted for murder and pled guilty to manslaughter. The trial court acted within its discretion in imposing the maximum sentence.

THE JUDGMENT OF THE CIRCUIT COURT OF YAZOO COUNTY OF CONVICTION OF MANSLAUGHTER AND SENTENCE OF TWENTY YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS IS AFFIRMED. COSTS ARE ASSESSED TO THE APPELLANT.

FRAISER, C.J., BRIDGES AND THOMAS, P.JJ., BARBER, COLEMAN, DIAZ, KING, McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR.