

COURT OF APPEALS OF ARKANSAS

Terry Leroy Long v. State of Arkansas

2026 Ark. App. 62 (Ark. Ct. App. 2026) · No. CR-25-112 · Decided February 4, 2026

SUMMARY

The Arkansas Court of Appeals affirmed Terry Leroy Long’s convictions and consecutive sentences for fourteen counts of rape. The court held that Long failed to preserve his arguments concerning the use of a certified facility dog and the constitutionality of the governing statute because those arguments were not adequately developed below. The court also held that his challenge to the sentence was unpreserved due to the lack of a contemporaneous objection and could not be treated as a Rule 37 petition because his motion was unverified.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                             |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Arkansas                                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Brandon J. Harrison; Tucker; Thyer                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | Arkansas Court of Appeals                                                                                                                                                                                                                                                                                                                   |
| DECIDED               | February 4, 2026                                                                                                                                                                                                                                                                                                                            |
| DOCKET                | CR-25-112                                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Long appealed his convictions for fourteen counts of rape and the denial of his motion for a new trial. He challenged the use of a certified facility dog during the minor victim's testimony, asserted a constitutional challenge to the governing statute, and argued that his consecutive sentences violated constitutional protections. |
| STANDARD OF REVIEW    | The court applied Arkansas issue-preservation principles, requiring a contemporaneous objection and a developed argument supported by legal authority in the circuit court. It also applied the jurisdictional requirement that a Rule 37.1 petition be verified.                                                                           |
| PRECEDENTIAL VALUE    | Published Arkansas Court of Appeals opinion                                                                                                                                                                                                                                                                                                 |
| PARTIES               | Terry Leroy Long v. State of Arkansas                                                                                                                                                                                                                                                                                                       |

TOPICS

- criminal procedure
- preservation of error
- sentencing
- post-conviction relief
- appellate procedure

## PRACTICE AREAS

criminal procedure

appellate procedure

constitutional law

sentencing

post-conviction relief

## QUESTIONS PRESENTED

1. Whether the circuit court erred by allowing a certified facility dog to accompany the minor victim while she testified.
2. Whether Long's constitutional challenge to Arkansas Code Annotated section 16-43-1002 was preserved for appellate review.
3. Whether Long's challenge to the constitutionality and disproportionality of his consecutive sentences was preserved by a contemporaneous objection at sentencing.
4. Whether Long's motion for a new trial could alternatively be treated as a timely Rule 37 petition despite being unverified.

## HOLDINGS

1. Arguments that the facility dog improperly enhanced the victim's credibility and violated the Sixth Amendment were not preserved because Long did not raise them in the circuit court.
2. The separation-of-powers challenge was not preserved because Long did not present a developed argument supported by a constitutional provision, standard of review, or legal authority in the circuit court.
3. Long's constitutional challenge to his sentence was not preserved because he made no contemporaneous objection when the sentence was imposed.
4. The motion could not be treated as a valid Rule 37 petition because it was not verified; an unverified Rule 37.1 petition does not invoke the circuit court's jurisdiction, and the appellate court consequently lacked jurisdiction over that alternative claim.

## KEY QUOTATIONS

*“Issues raised for the first time on appeal, even constitutional ones, generally will not be considered.”* (2026 Ark. App. 62)

*“Because Long failed to provide the circuit court with a developed argument on which to rule, we will not address the argument on appeal.”* (2026 Ark. App. 62)

*“We hold that Long’s argument is not preserved for review because there was no contemporaneous objection made below.”* (2026 Ark. App. 62)

## FACTUAL BACKGROUND

The State charged Long with fourteen counts of rape involving a child under fourteen and alleged that he was a habitual offender. During the child's testimony, the circuit court permitted a certified facility dog to accompany her while remaining out of the jury's view. The jury convicted Long on all fourteen counts and recommended

consecutive forty-year sentences, totaling 560 years, which the court imposed. Long later sought a new trial based on alleged constitutional defects in the sentence.

## PROCEDURAL HISTORY

The Sharp County Circuit Court allowed a certified facility dog to accompany the child witness during testimony. A jury convicted Long on fourteen counts of rape and recommended consecutive forty-year sentences totaling 560 years, which the circuit court imposed. Long moved for a new trial; the motion was deemed denied. The Arkansas Court of Appeals affirmed, holding that his appellate arguments were not preserved or, in the alternative, were jurisdictionally unavailable as an unverified Rule 37 petition.

## DISPOSITION

affirmed

## CASES CITED

- Chandler v. State, 2024 Ark. App. 260, 688 S.W.3d 170
- State v. Sypult, 304 Ark. 5, 800 S.W.2d 402 (1990)
- Schermerhorn v. State, 2016 Ark. App. 395, 500 S.W.3d 181
- Buckley v. State, 349 Ark. 53, 76 S.W.3d 825 (2002)
- Brown v. State, 374 Ark. 324, 287 S.W.3d 587 (2008)
- Merrill v. State, 2024 Ark. App. 575, 702 S.W.3d 420
- Moore v. State, 2014 Ark. 231 (per curiam)
- Williamson v. State, 2012 Ark. 170 (per curiam)
- Winnett v. State, 2012 Ark. 404 (per curiam)

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