

Cite as 2009 Ark. App. 647

ARKANSAS COURT OF APPEALSDIVISION II
No. CACR08-1046

ALVIN ROBINSON

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 7, 2009APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT
[NO. CR-07-4392]

HONORABLE BARRY SIMS, JUDGE

AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellant was convicted of possession of a firearm by a felon as a result of his involvement in a shooting incident outside the Sandpiper Club in Little Rock. The jury found that he employed a firearm as a means of committing firearm possession by a felon, and his sentence was therefore enhanced pursuant to Ark. Code Ann. § 16-90-120 (Supp. 2009). Appellant argues that this constitutes double jeopardy. We affirm.

Appellant's argument is not preserved because it was made when the charge was submitted to the jury and not renewed after the jury returned its verdict. Such double-jeopardy arguments must be made after the verdict is returned, because multiple charges are not prohibited by the Constitution, only multiple convictions. *Brown v. State*, 347 Ark. 308, 65 S.W.3d 394 (2001). Even constitutional objections relating to fundamental constitutional

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rights can be waived if not adequately preserved for appeal. *Robinson v. State*, 314 Ark. 243, 861 S.W.2d 548 (1993). Consequently, we cannot address the merits of this argument.

Affirmed.

KINARD and BROWN, JJ., agree.