Cite as 2010 Ark. App. 611

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CACR09-140

	Opinion Delivered September 22, 2010
BRANDON CARTER APPELLANT	APPEAL FROM THE COLUMBIA COUNTY CIRCUIT COURT [NO. CR-2006-64]
V.	HONORABLE LARRY CHANDLER, JUDGE
STATE OF ARKANSAS APPELLEE	AFFIRMED

JOHN MAUZY PITTMAN, Judge

Appellant was tried by a jury and found guilty of two counts of aggravated robbery and one count of first-degree battery. He was sentenced to one hundred years' imprisonment. He argues on appeal that there is no substantial evidence to support his conviction of aggravated robbery against Mrs. Inez Young. We affirm.

A person commits robbery if, with the purpose of committing a felony or misdemeanor theft or resisting apprehension immediately after committing a felony or misdemeanor theft, the person employs or threatens to immediately employ physical force upon another person. Ark. Code Ann. § 5-12-102(a) (Repl. 2006). A person commits aggravated robbery if he commits robbery as defined in § 5-12-102(a) and is armed with a deadly weapon, represents by word or conduct that he or she is armed with a deadly weapon, or inflicts or attempts to inflict death or serious physical injury upon another person. Ark.

Code Ann. § 5-12-103 (Repl. 2006).

Briefly, there was direct testimonial evidence that appellant and two accomplices entered the Youngs' laundromat with the intention to commit robbery. After loitering for a few minutes, appellant shot the aged Travis Young several times in the back and stomach, inflicting grievous injury that Mr. Young miraculously survived. His wife, Inez Young, scrambled to get a weapon upon seeing her husband shot and was herself shot by appellant. The robbers took Mr. Young's cell phone and at least $500 from the laundromat's cash drawer and money bowl. Mrs. Young was a co-owner of the laundromat, and the money taken belonged to both Mr. and Mrs. Young.

Appellant admits that Mrs. Young was shot during the incident but argues that the evidence is insufficient to prove that she was robbed because no one was trying to take anything from her.[1] We cannot address this argument because it is not properly before us. Appellant candidly concedes that trial counsel did not renew his directed-verdict motion at the close of the case for the defense at appellant's jury trial. A motion for directed verdict must be renewed at the close of all the evidence, Ark. R. Crim. P. 33.1, and in the absence of such a timely renewal we are precluded from addressing the merits of appellant's sufficiency challenge. *Ellis v. State*, 366 Ark. 46, 233 S.W.3d 606 (2006).

Affirmed.

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[1] Regarding the merits of this argument, see *McKinzy v. State*, 313 Ark. 334, 853 S.W.2d 888 (1993).

VAUGHT, C.J., and HART, J., agree.