

# ARKANSAS COURT OF APPEALS

DIVISION II  
No. CACR11-716

RICHARD DUNCAN

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered JANUARY 18, 2012

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
SECOND DIVISION  
[NO. CR2010-3715]

HONORABLE CHRIS PIAZZA,  
JUDGE

AFFIRMED

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**ROBIN F. WYNNE, Judge**

Richard Duncan appeals from his conviction on charges of possession of a controlled substance—cocaine, simultaneous possession of drugs and firearms, possession of a prohibited weapon, possession of a controlled substance—marijuana (third offense), and felon in possession of a firearm. Appellant’s sole point on appeal is that he cannot be convicted of both possession of a controlled substance and simultaneous possession of drugs and firearms because that would constitute a violation of this state’s statutory prohibition against double jeopardy. We affirm.

Our review of the record reveals that appellant never raised the argument he makes on appeal before the trial court. This court has stated many times that it will not consider arguments raised for the first time on appeal, and even constitutional arguments must be raised below. See *VanOven v. State*, 2011 Ark. App. 46, 380 S.W.3d 507. Based on appellant’s



Cite as 2012 Ark. App. 63

failure to preserve his argument for appellate review, the judgment of the trial court is affirmed.

Affirmed.

HART and GLADWIN, JJ., agree.

*Tim Boozer*, Deputy Pub. Def., by: *Mary Kathryn Williams*, Deputy Pub. Def., for appellant.

*Dustin McDaniel*, Att'y Gen., by: *Vada Berger*, Ass't Att'y Gen., for appellee.