UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1712
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES DARRYL ADAMS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(4:93 CR 25 A)

(October 3, 1994)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Appellant Charles Adams appeals his conviction and sentence for armed carjacking and using and carrying a firearm during a crime of violence. The district court sentenced him to a term of 165 months for armed carjacking and 60 months for using a firearm during a crime of violence. The terms are to be served

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*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

consecutively for a total term of imprisonment of 225 with two years of supervised release.

Adams first complains that his convictions for armed carjacking and use of a firearm during a crime of violence violate principles of double jeopardy. This argument was rejected in our recent opinion in United States v. Singleton, 16 F.3d 1419 (5th Cir. 1994) where we held that double jeopardy is not offended by cumulative punishments under both the carjacking statute and the gun statute:

> We are satisfied . . . that Congress has made a sufficiently clear indication of its intent to impose cumulative punishments for violations of § 924(c) and all crimes of violence, including "carjacking," to satisfy the requirements of the Double Jeopardy Clause.

Singleton, 16 F.3d at 1429. See also United States v. Portillo, 18 F.3d 290, 291 (5th Cir. 1994). Therefore, Adams' first point of error fails.

Adams next argues that his conviction for carjacking must be vacated because § 2119 lacks a rational nexus to interstate commerce and is, therefore, an unconstitutional use of the commerce clause. In our recent opinion in United States v. Harris, 25 F.3d 1275 (5th Cir. 1994), we rejected this argument, holding that "[b]ecause of the obvious effect that carjackings have on interstate commerce, . . . the carjacking statute is a valid exercise of Congress's Commerce Clause powers." Harris, 25 F.3d at ____. Accordingly, Adams' second argument fails.

For these reasons, we **AFFIRM** the judgment of the district court.