

Cite as 2010 Ark. 247

SUPREME COURT OF ARKANSAS

No. CR 08-770

CHRISTOBAL ANTONIO MANCIA
Appellant

v.

STATE OF ARKANSAS
Appellee**Opinion Delivered** May 20, 2010APPEAL FROM THE CIRCUIT
COURT OF BENTON COUNTY, CR
2007-802, HON. TOM J. KEITH,
JUDGE; MOTION TO WITHDRAW
AS COUNSEL

AFFIRMED; MOTION GRANTED.

PER CURIAM

A judgment and commitment order entered in 2008 reflects that appellant Christobal Antonio Mancía entered a plea of guilty to rape and was sentenced by the court to life imprisonment. Trial counsel filed a notice of appeal and lodged the instant appeal in this court. Counsel has now filed a motion to be relieved and a no-merit brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(j)(1) (2008).¹ Our clerk provided appellant with a copy of appellant's brief and motion as required by Rule 4-3(j), and appellant submitted no points for reversal.

Although counsel indicates in his brief that there was no applicable exception to the general rule that there is no right to appeal from a plea of guilty, an appeal may be taken after a guilty plea when it alleges evidentiary errors which arose after the plea and during the sentencing phase. *Johnson v. State*, 2010 Ark. 63. In this case, the plea was entered without

¹The appeal here was lodged in 2008, although counsel did not file the brief or motion to withdraw until 2009. Rule 4-3 has been amended and the provisions of then Rule 4-3(j) are now found in subsection (k) of Rule 4-3. Ark. Sup. Ct. R. 4-3 (2010).

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benefit of a plea agreement, and appellant was provided a hearing for sentencing purposes. Counsel asserts that there were no adverse rulings, however, and our review of the record confirms that there were no objections to the evidence presented to the court. *See* Ark. Sup. Ct. R. 4-3(i) (2009). Consequentially, there were no adverse rulings so as to merit an appeal.

As we agree that an appeal is without merit, we affirm the judgment. Counsel's motion to be relieved is granted.

Affirmed; motion granted.