

# ARKANSAS SUPREME COURT

No. CR 06-938

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered      October 12, 2006

RONNIE LEE SMITH  
Petitioner

*PRO SE* MOTIONS FOR RULE ON  
CLERK AND FOR BELATED APPEAL  
[CIRCUIT COURT OF BENTON  
COUNTY, CR 2003-342-1, HON. TOM  
J. KEITH, JUDGE]

v.

STATE OF ARKANSAS  
Respondent

MOTION FOR BELATED APPEAL  
DENIED; MOTION FOR RULE ON  
CLERK MOOT

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## PER CURIAM

In 2005, Ronnie Lee Smith entered a plea of guilty to possession of drug paraphernalia with intent to manufacture (methamphetamine) and received a sentence of fifteen years' imprisonment. The judgment and commitment order, which included charges from two other cases, was filed on August 24, 2005.

Now before the court are petitioner's *pro se* motions for belated appeal and for rule on clerk. In his motion for belated appeal, petitioner contends that he was found guilty by a jury. However, the certified copy of the judgment and commitment order reflected that petitioner entered a plea of guilty.

Arkansas Rules of Appellate Procedure—Criminal 1(a) provides that there is no direct appeal from a plea of guilty, except in those instances where the defendant has entered a conditional plea of guilty, reserved in writing, to appeal an adverse determination of a pretrial motion to suppress evidence. Petitioner does not contend, and the record does not reflect, that his plea of guilty was

conditional. As a result, there was no right to appeal from the August 24, 2005, judgment, and the motion for belated appeal is baseless. Accordingly, the motion is denied. The motion for rule on clerk is moot.

Motion for belated appeal denied; motion for rule on clerk moot.