

ARKANSAS SUPREME COURT

No. CR 08-272

LEE MADDEN
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered **April 10, 2008**

PRO SE MOTION FOR BELATED
APPEAL [CIRCUIT COURT OF
DESHA COUNTY, CR 2006-08,
HON. DON E. GLOVER, JUDGE]

MOTION DENIED.

PER CURIAM

A judgment and commitment order entered on July 12, 2006, reflects that petitioner Lee Madden entered guilty pleas to charges of aggravated robbery, possession of a firearm by certain persons, and theft of property valued at \$2,500 or more. Petitioner received an aggregate sentence of 300 months' imprisonment in the Arkansas Department of Correction. He now brings this motion for belated appeal in which he seeks this court's permission to proceed with an appeal of the judgment.

Generally, under Ark. R. App. P.--Crim. 1, there is no right to appeal a guilty plea, except for a conditional plea of guilty premised on an appeal of the denial of a suppression motion pursuant to Ark. R. Crim. P. 24.3. *Hewitt v. State*, 362 Ark. 369, 208 S.W.3d 185 (2005) (per curiam) (citing *Seibs v. State*, 357 Ark. 331, 166 S.W.3d 16 (2004)). This court has recognized two other exceptions to the general rule, as follows: (1) when there is a challenge to testimony or evidence presented before a jury in a sentencing hearing separate from the plea itself; (2) when the appeal is

an appeal of a posttrial motion challenging the validity and legality of the sentence itself. *Id.*

Here, petitioner does not contend, and the judgment does not reflect, that the guilty plea was entered conditionally. There is no indication that petitioner was sentenced by a jury. The partial record before us does not contain a posttrial motion challenging the validity and legality of the sentence. None of the recognized exceptions apply in this situation, and we have no jurisdiction for an appeal. *See Seibs*, 357 Ark. at 335, 166 S.W.3d at 18. Accordingly, we deny the motion for belated appeal.

Motion denied.