

ARKANSAS COURT OF APPEALS

DIVISION I

No. CACR11-399

COURTNEY ROSS

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered January 11, 2012

APPEAL FROM THE HOWARD
COUNTY CIRCUIT COURT
[NO. CR-2010-107]

HONORABLE TOM COOPER,
JUDGE

APPEAL DISMISSED; MOTION TO
WITHDRAW GRANTED

RITA W. GRUBER, Judge

Appellant Courtney Ross entered a negotiated plea of nolo contendere to one count of delivery of a controlled substance and one count of possession of a controlled substance. At the plea hearing, the court followed the State’s recommendation and plea agreement and sentenced him to concurrent terms of fifteen years’ imprisonment, with four years suspended. Appellant filed a pro se notice of appeal, stating the following “grounds” for the appeal: (1) ineffective assistance of counsel; (2) insufficient evidence; (3) the informant is a known felon; (4) credibility of the witness; and (5) the officer has committed a crime in violation of “Ark Rule of Criminal Procuder’s 608. Union Form Controlled Substance Act of 1968 [sic].” Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals, appellant’s counsel has filed both a motion to withdraw on grounds that the appeal is without merit and a no-merit brief. Our clerk



provided appellant with a copy of counsel's brief and motion, and appellant submitted no points for reversal.¹

Counsel states in his brief the general rule that there is no right to appeal from a plea of guilty or nolo contendere. Ark. R. App. P.–Crim. 1(a) (2011). The only exceptions to this rule are when the plea is conditional pursuant to Ark. R. Crim. P. 24.3; the appeal alleges evidentiary errors that arose after the plea during the sentencing phase; or the appeal is from a posttrial motion challenging the validity and legality of the sentence itself. *Johnson v. State*, 2010 Ark. 63; *Bradford v. State*, 351 Ark. 394, 399, 94 S.W.3d 904, 907 (2003). None of these exceptions apply in this case. Therefore, appellant has no right to an appeal.

Accordingly, we dismiss the appeal and grant counsel's motion to withdraw.

Appeal dismissed; motion granted.

GLOVER and HOOFFMAN, JJ., agree.

Law Office of Jeffrey Weber, PLLC, by: *Jeffrey Weber*, for appellant.

No response.

¹We do not consider a notice of appeal, whether filed by a pro se appellant or by an attorney, to be the equivalent of pro se points authorized by Rule 4-3(k)(2) of the Rules of the Arkansas Supreme Court and Court of Appeals.