

ARKANSAS COURT OF APPEALS

DIVISION I
No. CR-12-879

NATASHA NICOLE KING
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered May 22, 2013

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
FIRST DIVISION
[NO. CR2010-4146]

HONORABLE LEON N. JOHNSON,
JUDGE

DISMISSED; MOTION TO
WITHDRAW GRANTED

PHILLIP T. WHITEAKER, Judge

Appellant Natasha King was charged with one count of first-degree murder and one count of attempted first-degree murder. King pled guilty to both counts, and, at a separate sentencing hearing, the circuit court sentenced King to forty years on each count, to be served concurrently. King's counsel has now filed a motion to withdraw as counsel and a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2012). King was notified of her right to file pro se points, and she has filed a response in which she argues ineffective assistance of counsel.¹

¹ We do not address King's pro se points because we are dismissing this appeal for lack of jurisdiction. See *Kelley v. State*, 2012 Ark. App. 36. Even if we were to address her points, however, there would be no merit to them because a claim of ineffective assistance of counsel is appropriate on direct appeal only when it is raised before the circuit court and the facts and circumstances surrounding the claim have been fully developed at the trial level. *Breeden v. State*, 2013 Ark. 145, 427 S.W.3d 5; *Guevara v. State*, 2012 Ark. 351. Here, no such claim was



Cite as 2013 Ark. App. 342

We agree with counsel that the appeal is without merit because King is not permitted to bring an appeal. Except as provided by Arkansas Rule of Criminal Procedure 24.3(b) (2012), there shall be no appeal from a plea of guilty or nolo contendere. Ark. R. App. P.–Crim. 1(a) (2012). Arkansas Rule of Criminal Procedure 24.3(b) allows a defendant to enter a conditional guilty plea under certain specified circumstances. King did not enter a conditional plea under Rule 24.3(b).

Our supreme court has recognized two other exceptions to Rule 1(a). An appeal may be taken after a guilty plea when the issue on appeal is one of evidentiary errors that arose after the plea but during the sentencing phase of the trial, regardless of whether a jury was impaneled or the trial judge sat as the trier of fact during that phase. *Johnson v. State*, 2010 Ark. 63. An appeal may also be taken from the denial of a postjudgment motion to amend an incorrect or illegal sentence following a guilty plea. *Reeves v. State*, 339 Ark. 304, 5 S.W.3d 41 (1999). Neither of those exceptions applies here. King’s appeal is therefore dismissed, and the motion to withdraw is granted. See *Hubbard v. State*, 2012 Ark. App. 443.

Dismissed; motion to withdraw granted.

HARRISON and WYNNE, JJ., agree.

William R. Simpson, Jr., Public Defender, *Dan Hancock*, Deputy Public Defender, by:
Margaret Egan, Deputy Public Defender, for appellant.

Dustin McDaniel, Att’y Gen., by: *Ashley Argo Priest*, Ass’t Att’y Gen., for appellee.

raised below and, therefore, it cannot be addressed on direct appeal.