

ARKANSAS COURT OF APPEALS

DIVISION II
No. CR-13-900

EARL MANGUM III

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered June 18, 2014

APPEAL FROM THE SALINE
COUNTY CIRCUIT COURT
[NO. CR-63CR-10-439-2A]

HONORABLE GARY M. ARNOLD,
JUDGE

APPEAL DISMISSED

ROBERT J. GLADWIN, Chief Judge

Appellant Earl Mangum, III's probationary sentence, which was the result of an October 11, 2010 guilty plea to charges of commercial burglary and first-degree criminal mischief, was revoked by the Saline County Circuit Court. The State filed a petition to revoke Mangum's probation on February 2, 2012. On April 9, 2012, Mangum changed his plea to guilty in the probation-revocation petition. After conducting a plea hearing, the circuit court accepted Mangum's plea of guilty to the probation-revocation petition, and after a subsequent sentencing hearing on May 29, 2013, sentenced him to three years in the Regional Correctional Facility. The circuit court entered a sentencing order on June 13, 2013, and an amended sentencing order on June 19, 2013. Mangum timely filed a notice of appeal on July 11, 2013.

Appellant's counsel has now filed a motion to withdraw and a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Arkansas Supreme Court Rule 4-3(k) (2013). The clerk of this court provided Mangum with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Mangum did not file pro se points; as a consequence, the attorney general did not file a brief in response.

Mangum is not permitted to bring an appeal. Except as provided by Arkansas Rule of Criminal Procedure 24.3(b) (2013), there shall be no appeal from a plea of guilty or nolo contendere. Ark. R. App. P.–Crim. 1(a) (2013). Rule 24.3(b) allows a defendant to enter a conditional guilty plea under certain specified circumstances, but Mangum 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—our review of the entire record indicates that there is no challenge to the evidence presented during the sentencing portion of Mangum's probation-revocation plea hearing, and there is no challenge to the validity of the sentence itself. Mangum's appeal is therefore dismissed. *See Hubbard v. State*, 2012 Ark. App. 443.

Cite as 2014 Ark. App. 372

Appeal dismissed.

PITTMAN and WHITEAKER, JJ., agree.

Dyer and Jones, by: *F. Parker Jones III*, for appellant.

No response.