

Cite as 2018 Ark. App. 249

**ARKANSAS COURT OF APPEALS**

DIVISION IV

No. CR-17-595

BRIAN ANTONIO SMITH  
APPELLANT

V.

STATE OF ARKANSAS  
APPELLEE

Opinion Delivered: April 18, 2018

APPEAL FROM THE FAULKNER  
COUNTY CIRCUIT COURT  
[NO. 23CR-14-999]

HONORABLE CHARLES E.  
CLAWSON, JR., JUDGE

DISMISSED

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**RITA W. GRUBER, Chief Judge**

Appellant Brian Smith entered a negotiated plea of guilty to the offenses of robbery and failure to appear on April 17, 2017. The Faulkner County Circuit Court entered a sentencing order that same day (1) reflecting that appellant had entered a plea of guilty to robbery, a class B felony, and failure to appear, a class C felony, and (2) imposing sentences of 360 months' imprisonment and 240 months' imprisonment, respectively. On appeal, he argues that his sentence of 240 months' imprisonment for failure to appear is illegal because his attorney's questioning of him at the sentencing hearing referenced failure to appear as a class D felony rather than a class C felony. We dismiss the appeal.

Generally, a defendant has no right to appeal from a guilty plea. *Seibs v. State*, 357 Ark. 331, 334, 166 S.W.3d 16, 17 (2004). Exceptions to this rule include (1) conditional guilty pleas, (2) when the issue on appeal is one of evidentiary errors that happened during the sentencing phase of the trial, or (3) the denial of a postjudgment motion to amend an

incorrect or illegal sentence. *Cummins v. State*, 2013 Ark. App. 657, at 2; *see also Green v. State*, 2017 Ark. 361, 533 S.W.3d 81 (reversing and remanding appeal from guilty plea after denial of postjudgment motion under Ark. Code Ann. § 16-90-111(a) (Repl. 2016)). None of the exceptions apply in this case; accordingly, we dismiss the appeal.<sup>1</sup>

Dismissed.

ABRAMSON and GLADWIN, JJ., agree.

*Dusti Standridge*, for appellant.

*Leslie Rutledge*, Att’y Gen., by: *Michael A. Hylden*, Ass’t Att’y Gen., for appellee.

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<sup>1</sup>Although the State has failed to challenge the propriety of the appeal, this is an issue of jurisdiction that this court will raise sua sponte. *Wright v. State*, 2009 Ark. App. 428.