

ARKANSAS COURT OF APPEALS

DIVISION III
No. CACR08-835

TERRANCE WRIGHT

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered MAY 27, 2009

APPEAL FROM THE CLARK
COUNTY CIRCUIT COURT,
[NO. CR-2006-36]

HONORABLE JOHN A. THOMAS,
JUDGE

DISMISSED

ROBERT J. GLADWIN, Judge

On January 29, 2008, appellant Terrance Wright pled guilty to possession of cocaine with intent to deliver. His was a conditional plea given after the trial court denied his motion to suppress based upon the alleged insufficiency of the application and execution of the search and seizure warrant on March 9, 2006. Appellant sought to suppress any evidence seized by the State pursuant to this warrant. He contends on appeal that the trial court's denial of his motion to suppress was clearly against the preponderance of the evidence. He further argues that the trial court abused its discretion in denying his request for the confidential informant's identity.

We dismiss the appeal because appellant's failure to appeal from the judgment and conviction order entered pursuant to his guilty plea has deprived our court of jurisdiction to decide his appeal. *See Webb v. State*, 94 Ark. App. 234, 228 S.W.3d 527 (2006). Arkansas

Rule of Criminal Procedure 24.3(b) reserves the right of a defendant who enters a conditional guilty plea to appeal the adverse determination of a pretrial motion to suppress, if the defendant appeals from the *judgment* entered pursuant to the conditional guilty plea. Here, however, appellant does not appeal from the judgment and conviction order encompassing his plea agreement. Rather, he appeals “from the denial of his Motion to Suppress the fruits of the search warrant executed against Defendant, and the denial of the Motion to Require Disclosure of the Confidential Informant against Defendant.” That is, appellant appeals from the denial of his motion to suppress, which is insufficient under Rule 24.3 to grant this court jurisdiction to hear his appeal.

The State does not challenge the propriety of the appeal, but the issue of appellant’s failure to appeal from the judgment and conviction order entered pursuant to his guilty plea is one of jurisdiction, which this court may raise *sua sponte*. *Hill v. State*, 81 Ark. App. 178, 100 S.W.3d 84 (2003). Based upon the authorities noted herein, we dismiss this appeal for lack of jurisdiction.

Dismissed.

GRUBER and GLOVER, JJ., agree.