

Cite as 2023 Ark. App. 6
ARKANSAS COURT OF APPEALS

DIVISION IV
No. CR-22-137

CONCEPSEIONNE JOINER
APPELLANT

V.

STATE OF ARKANSAS
APPELLEE

Opinion Delivered January 18, 2023

APPEAL FROM THE FAULKNER
COUNTY CIRCUIT COURT
[NO. 23CR-18-956]

HONORABLE CHARLES E.
CLAWSON III, JUDGE

APPEAL DISMISSED; MOTION TO
WITHDRAW GRANTED

N. MARK KLAPPENBACH, Judge

Concepseionne Joiner appeals from the order of the Faulkner County Circuit Court revoking his probation and sentencing him to five years' imprisonment. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(b)(1) (2022) of the Rules of the Arkansas Supreme Court and Court of Appeals, Joiner's attorney has filed a no-merit brief and a motion to withdraw arguing that this appeal is wholly without merit. We dismiss the appeal and grant counsel's motion to withdraw.

In October 2021, the State filed a petition to revoke Joiner's probation for the offense of arson. In November 2021, Joiner entered a negotiated plea of guilty to the violations alleged in the petition in exchange for a sentence of five years' imprisonment. Joiner filed a notice of appeal, and his attorney filed a no-merit brief and a motion to withdraw. The clerk of this court served Joiner 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, but he has filed no such statement.

We must dismiss the appeal. As stated, Joiner filed this appeal following his guilty plea to the petition to revoke his probation. Arkansas Rule of Appellate Procedure—Criminal 1(a) provides that there shall be no appeal from a plea of guilty or nolo contendere. This rule applies equally to pleas entered to revocation petitions. *McJoy v. State*, 2016 Ark. App. 337. There is an exception for conditional pleas of guilty pursuant to Arkansas Rule of Criminal Procedure 24.3(b). Two additional exceptions to the general rule are (1) when there is a challenge to testimony or evidence presented in a sentencing hearing separate from the plea itself, and (2) when the appeal is from a posttrial motion challenging the validity and legality of the sentence itself. *Burgess v. State*, 2016 Ark. 175, 490 S.W.3d 645. We find nothing in this record that would bring Joiner’s case within any of the exceptions to the general rule that one may not appeal from an order entered pursuant to a guilty plea. Therefore, we dismiss the appeal and grant counsel’s motion to withdraw.

Appeal dismissed; motion to withdraw granted.

ABRAMSON and VIRDEN, JJ., agree.

Eric Moore, for appellant.

One brief only.