

Sherman D. NOBLE v. STATE of Arkansas
CR 93-427 862 S.W.2d 234
Supreme Court of Arkansas
Opinion delivered September 27, 1993
[Rehearing denied November 1, 1993.*]

CRIMINAL PROCEDURE — APPEAL OF GUILTY PLEA — FAILURE TO
CONDITION PLEA — APPEAL DISMISSED. — Where appellant pled
guilty to capital felony murder but failed to condition his guilty plea
by reserving, in writing, his right to appeal, and failed to obtain the
consent of the trial judge and prosecutor, appellant's appeal of the
trial court's refusal to suppress his in-custody statement made to
police was dismissed.

Appeal from Jefferson Circuit Court; *H. A. Taylor*, Judge;
appeal dismissed.

Mark F. Hampton, for appellant.

Winston Bryant, Att'y Gen., by: *Clint Miller*, Senior Asst.

*Brown, J., would grant rehearing.

Att'y Gen., for appellee.

DAVID NEWBERN, Justice. Sherman Noble pleaded guilty to capital felony murder and was sentenced to life imprisonment without parole. On appeal, Noble contends the Trial Court should have granted his motion to suppress his in-custody statement made to the police. He argues the statement was involuntary.

The basis of this appeal of a guilty plea conviction is Ark. R. Crim. P. 24.3(b), which states:

(b) With the approval of the court and the consent of the prosecuting attorney, a defendant may enter a conditional plea of guilty or nolo contendere [contendere], reserving in writing the right, on appeal from the judgment, to review of an adverse determination of a pretrial motion to suppress evidence. If the defendant prevails on appeal, he shall be allowed to withdraw his plea.

[1] Nothing before us shows that Mr. Noble conditioned his guilty plea by reserving, in writing, his right to appeal. Nor is there any indication that the Trial Court or the prosecutor consented.

Absent any showing that these requirements were met, we dismiss the appeal.

Appeal dismissed.
