

## Undra SUMLIN v. STATE of Arkansas

CR 94-362

891 S.W.2d 375

Supreme Court of Arkansas  
Opinion delivered January 23, 1995

ATTORNEY & CLIENT — INEFFECTIVE ASSISTANCE OF COUNSEL — WHEN SUCH A POINT MAY BE RAISED. — Ineffective assistance of counsel may not be raised as a point of direct appeal unless the issue has been considered by the Trial Court, e.g., on a motion for new trial.

Appeal from Columbia Circuit Court; *John Graves*, Judge; affirmed.

*Bethell, Callaway, Robertson, Beasley & Cowan*, by: *Matthew*

*J. Ketcham*, for appellant.

*Winston Bryant*, Att'y Gen., by: *Brad Newman*, Asst. Att'y Gen., for appellee.

DAVID NEWBERN, Justice. Undra Sumlin was convicted of two counts of delivery of cocaine and one count of conspiracy to deliver cocaine. He was sentenced as an habitual offender to 66 years imprisonment. His points of appeal relate only to his contention that his trial counsel was ineffective.

[1] Ineffective assistance of counsel may not be raised as a point of direct appeal, *Harrison v. State*, 303 Ark. 247, 796 S.W.2d 329 (1990), unless the issue has been considered by the Trial Court, *e.g.*, on a motion for new trial. *Missildine v. State*, 314 Ark. 500, 863 S.W.2d 813 (1993). *See also Knappenberger v. State*, 278 Ark. 382, 647 S.W.2d 417 (1983); *Hilliard v. State*, 259 Ark. 81, 531 S.W.2d 463 (1976).

Affirmed.

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