

Cite as 2009 Ark. 328 (unpublished)

# ARKANSAS SUPREME COURT

No. CR 09-382

WESLEY E. GRISSOM  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered May 28, 2009

PRO SE MOTION FOR BELATED  
APPEAL [CIRCUIT COURT OF  
GARLAND COUNTY, CR 2006-611,  
HON. MARCIA R.  
HEARNSBERGER, JUDGE]

MOTION DENIED.

## PER CURIAM

In 2008, petitioner Wesley E. Grissom entered a plea of guilty to first-degree sexual assault and was sentenced to 660 months' imprisonment. The judgment and commitment order was filed on September 18, 2008.

On April 14, 2009, petitioner filed in this court a pro se motion for a belated appeal from the judgment. Therein, petitioner contends that he has a constitutional right to an appeal. Further, he states that his trial counsel refused to pursue the appeal because counsel advised him that there was no right to an appeal from petitioner's guilty plea.

Arkansas Rules of Appellate Procedure—Criminal 1(a) provides that there is no direct appeal from a plea of guilty. An exception is created when a conditional plea of guilty is premised on an appeal of the denial of a suppression motion pursuant to Arkansas Rule of Criminal Procedure 24.3. *Seibs v. State*, 357 Ark. 331, 166 S.W.3d 16 (2004). Two other exceptions to the general rule, as set out in *Seibs* and *Bradford v. State*, 351 Ark. 394, 94



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S.W.3d 904 (2003), are (1) when there is a challenge to testimony or evidence presented before a jury 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.

Here, petitioner does not contend, and the record does not reflect, that his plea of guilty was conditional or fit within one of the above exceptions. As a result, petitioner had no right to an appeal from the September 18, 2008, judgment. The motion for belated appeal is meritless.

Motion denied.