

SUPREME COURT OF ARKANSAS

No. CR 10-931

LEUNDRA LESHAWN DAVIS, JR.
Petitioner

v.

STATE OF ARKANSAS
Respondent

Opinion Delivered October 21, 2010

PRO SE MOTION FOR BELATED
APPEAL OF JUDGMENT OF
CONVICTION [CIRCUIT COURT
OF PULASKI COUNTY, CR 2009-
886]

MOTION DENIED.

PER CURIAM

On October 21, 2009, judgment was entered reflecting that petitioner Leundra Leshawn Davis, Jr., had entered a plea of guilty to aggravated robbery and residential burglary. He was sentenced as a habitual offender to an aggregate term of 300 months' imprisonment. Petitioner now asks this court to permit him to proceed with a belated appeal of the judgment.

Arkansas Rule of Appellate Procedure—Criminal 1(a) (2010) 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 (2010). *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 *Grissom v. State*, 2009 Ark. 328 (per curiam), 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

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posttrial motion challenging the validity and legality of the sentence itself. *See Bradford v. State*, 351 Ark. 394, 94 S.W.3d 904 (2003). Absent one of the exceptions, a defendant waives his right to appeal when he pleads guilty. *Grissom*, 2009 Ark. 328; *see also Berry v. City of Fayetteville*, 354 Ark. 470, 125 S.W.3d 171 (2003); *Barnett v. State*, 336 Ark. 165, 984 S.W.2d 444 (1999).

Here, petitioner does not contend, and the partial record he submitted with the motion does not reflect, that his plea of guilty was conditional or that it fit within one of the above exceptions, and petitioner offers nothing in the motion to establish that the judgment was one that could be appealed. As a result, petitioner has demonstrated no right to an appeal from the October 21, 2009 judgment.

Motion denied.