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Cite as 2014 Ark. App. 429

ARKANSAS COURT OF APPEALS

DIVISION III
No. CR-14-70

SUSANNAH M. COX APPELLANT V. STATE OF ARKANSAS APPELLEE	**Opinion Delivered** August 27, 2014 APPEAL FROM THE PULASKI COUNTY CIRCUIT COURT, SEVENTH DIVISION [NO. CR-2010-1800] HONORABLE BARRY SIMS, JUDGE APPEAL DISMISSED

DAVID M. GLOVER, Judge

In November 2010, Susannah Cox entered a plea of guilty to the offense of second-degree domestic battery. A judgment and commitment order was entered sentencing Cox to probation for a period of five years in December 2010. In September 2012, the State filed a petition to revoke Cox's probation, alleging that she had violated the terms and conditions of her probation by committing assault on a family member, failing to attend domestic-violence classes, and failing to pay court-ordered fines and costs. Cox admitted she had violated the terms of her probation, and the trial court returned Cox to her original sentence. In June 2013, the State filed another petition to revoke Cox's probation, alleging that she had violated the terms of her probation by committing the offense of DWI. Cox again admitted she had violated the terms and conditions of her probation and entered a plea of guilty. The trial court accepted Cox's plea, and in October 2013 revoked Cox's probation and sentenced

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her to eight years in the Arkansas Department of Correction. Cox timely filed a notice of appeal.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(k) of the Rules of the Arkansas Supreme Court and Court of Appeals, Cox's counsel has filed a motion to withdraw on the grounds that the appeal is wholly without merit. The clerk of this court furnished Cox with a copy of her counsel's brief and notified her of her right to file pro se points; Cox has not filed any points.

Cox is not permitted to bring an appeal from her plea of guilty. Rule 1(a) of the Arkansas Rules of Appellate Procedure–Criminal (2013) provides, "Except as provided by ARCrP 24.3(b) there shall be no appeal from a plea of guilty or nolo contendere." Cox's plea was neither a conditional plea pursuant to Rule 24.3(b) of the Arkansas Rules of Criminal Procedure nor one of two exceptions to Rule 1(a) that has been recognized by our supreme court—(1) when the issue on appeal concerns evidentiary errors arising after the guilty plea but during the sentencing phase of the trial, regardless of whether it was a jury trial or a bench trial, or (2) when the issue is the denial of a postjudgment motion to amend an incorrect or illegal sentence. *Houston v. State*, 2014 Ark. App. 344; *Hubbard v. State*, 2012 Ark. App. 443. Therefore, we dismiss Cox's appeal.

Appeal dismissed.

WALMSLEY and VAUGHT, JJ., agree.

William R. Simpson, Jr., Public Defender, and *Jessica Coleman*, Deputy Public Defender, by: *Margaret Egan*, Deputy Public Defender, for appellant.

No response.