

**Dismissed and Opinion filed January 3, 2002.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-01522-CR  
NO. 14-00-01523-CR**

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**ROBERT A. EAST, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 339th District Court  
Harris County, Texas  
Trial Court Cause Nos. 826,060 & 826,061**

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**OPINION**

Appellant entered guilty pleas to two separate indictments charging him with the offense of burglary of a habitation. On October 24, 2000, in accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to confinement in the Institutional Division of the Texas Department of Criminal Justice for thirty years. Because we have no jurisdiction over these appeals, we dismiss.

On November 29, 2001, the State filed a Motion to Dismiss these appeals because this court lacks jurisdiction and because appellant waived his right to appeal. On December

17, 2001, appellant filed a response to the State's motion. Appellant's response presents no grounds that demonstrate this court has jurisdiction over his appeals.

Appellant filed a general notice of appeal that did not comply with the requirements of Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 25.2(b)(3). Rule 25.2(b)(3) provides that when an appeal is from a judgment rendered on a defendant's plea of guilty or nolo contendere and the punishment assessed does not exceed the punishment recommended by the State and agreed to by the defendant, the notice of appeal must: (1) specify that the appeal is for a jurisdictional defect; (2) specify that the substance of the appeal was raised by written motion and ruled on before trial; or (3) state that the trial court granted permission to appeal. *Id.* The time for filing a proper notice of appeal has expired; therefore, appellant may not file an amended notice of appeal to correct jurisdictional defects. *State v. Riewe*, 13 S.W.3d 408, 413-14 (Tex. Crim. App. 2000). Because appellant's notice of appeal did not comply with the requirements of Rule 25.2(b)(3), we are without jurisdiction to consider any of appellant's issues, including the voluntariness of the plea. *See Cooper v. State*, 45 S.W.2d 77, 83 (Tex. Crim. App. 2001) (holding that appellant who files general notice of appeal may not appeal voluntariness of negotiated plea).

Moreover, as part of the plea bargain agreement, appellant signed a written waiver of his right to appeal. Appellant pled guilty and the trial court followed the plea bargain agreement in assessing punishment. Despite having waived the right to appeal, appellant filed a notice of appeal. Appellant chose to enter into an agreement that included a waiver of the right to appeal. Appellant was informed of his right to appeal, knew with certainty the punishment he would receive, and that he could withdraw his plea if the trial court did not act in accordance with the plea agreement. As appellant was fully aware of the consequences when he waived his right to appeal, it is "not unfair to expect him to live with those consequences now." *Alzarka v. State*, No. 14-00-00837-CR, 2001 WL 837602, \*\*3 (Tex. App.–Houston [14th Dist.] July 26, 2001, pet. filed September 28, 2001) (quoting

*Mabry v. Johnson*, 467 U.S. 504, 104 S.Ct. 2543, 2547-48, 81 L.Ed.2d 437 (1984)). *See also Blanco v. State*, 18 S.W.3d 218, 219-20 (Tex. Crim. App. 2000); *Buck v. State*, 45 S.W.3d 275, 278 (Tex. App.—Houston [1st Dist.] 2001, no pet.).

Accordingly, we grant the State’s motion and dismiss the appeals. All other pending motions are rendered moot.

PER CURIAM

Judgment rendered and Opinion filed January 3, 2002.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do Not Publish — TEX. R. APP. P. 47.3(b).