

Dismissed and Opinion filed February 14, 2002.



In The

Fourteenth Court of Appeals

NO. 14-01-01078-CR
NO. 14-01-01079-CR

LISA MICHELLE PALMER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 185th District Court
Harris County, Texas
Trial Court Cause Nos. 867,385 & 887,639

MEMORANDUM OPINION

In each of these cases, appellant entered a guilty plea to the offenses of aggregate theft. In accordance with the terms of a plea bargain agreement with the State, on October 11, 2001, the trial court sentenced appellant to confinement for eight years in the Institutional Division of the Texas Department of Criminal Justice. Because we lack jurisdiction and appellant has waived her right to appeal, we dismiss.

Appellant filed a timely 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.* Because the time for filing a proper notice of appeal has expired, 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).

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 her right to appeal, knew with certainty the punishment she would receive, and that she could withdraw her plea if the trial court did not act in accordance with the plea agreement. As appellant was fully aware of the consequences when she waived her right to appeal, it is "not unfair to expect [her] to live with those consequences now." *Alzarka v. State*, 60 S.W.3d 203, 206 (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 dismiss the appeal.

PER CURIAM

Judgment rendered and Opinion filed February 14, 2001.

Panel consists of Chief Justice Brister and Justices Anderson and Frost.

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