

**Appeal Dismissed and Opinion filed March 29, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-98-01310-CR**  
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**FRANCISCO RAMIREZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 177<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 781876**

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**OPINION**

Francisco Ramirez was charged by indictment with indecency with a child by contact. Pursuant to a plea bargain, he was sentenced to eight years' confinement. In seven points of error he complains that punishment for his crime was increased by statutory sex offender registration requirements, violating the ban on *ex post facto* punishments found in the United States Constitution; that sex offender registration was not a part of his plea bargain, thus rendering his plea involuntary; that this registration constitutes cruel and unusual punishment; that his court-appointed attorney did not have sufficient time to prepare to represent him; and

that he was deprived of representation at a crucial point in the proceedings. We dismiss the appeal for want of jurisdiction.

We do not have jurisdiction to consider the appeal of a defendant who pleads guilty pursuant to a plea bargain, and who files a general notice of appeal, when the punishment assessed is consonant with the plea bargain. *See* TEX. R. APP. P. 25.2(b)(3). Here appellant filed a general notice of appeal but contends that he did not agree to registration as a sex offender as a part of his plea bargain, thus rendering his plea involuntary. We always have jurisdiction to consider a complaint that a plea bargain was not freely and voluntarily entered. *George v. State*, 20 S.W.3d 130, 133 (Tex. App.—Houston [14<sup>th</sup> Dist.] 2000, no pet. h.); *Moore v. State*, 4 S.W.3d 269, 272 (Tex. App.—Houston [14<sup>th</sup> Dist.] 1999, no pet.). However, the registration requirement is merely remedial and is not part of the punishment agreement. *See, e.g., Cooper v. State*, 2 S.W.3d 500, 502-503 (Tex. App.—Texarkana 1999, pet. ref'd); *In re B.G.M.*, 929 S.W.2d 604 (Tex. App.—Texarkana 1998, no pet.). Appellant was therefore sentenced within the terms of his plea bargain and the prohibition of TEX. R. APP. P. 25.2(b)(3) applies. We therefore dismiss this appeal for want of jurisdiction.

/s/ Joe L. Draughn  
Justice

Judgment rendered and Opinion filed March 29, 2001.

Panel consists of Justices Draughn, Amidei, and Hutson-Dunn.<sup>1</sup>

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

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<sup>1</sup> Senior Justices Joe L. Draughn, Camillie Hutson-Dunn, and Former Justice Maurice Amidei sitting by assignment.