

Dismissed for Want of Jurisdiction and Opinion filed April 12, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01391-CR

GUILLERMO ESPARZA, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 177th District Court
Harris County, Texas
Trial Court Cause No. 829,431**

MEMORANDUM OPINION

Appellant, Guillermo Esparza, pleaded guilty to the felony offense of aggravated sexual assault of a child. The trial court accepted appellant's plea of guilty and, pursuant to a plea bargain, sentenced appellant to nine years' imprisonment in the Texas Department of Criminal Justice.

Appellant's appointed counsel filed a motion to withdraw from representation of appellant along with a supporting brief in which she concludes that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of

the record demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and to file a *pro se* response. As of this date, no *pro se* response has been filed. We have reviewed the record and counsel's brief and dismiss the appeal for want of jurisdiction.

Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure requires a defendant in an appeal from a plea bargained conviction to obtain the trial court's permission to appeal any matter in the case except for jurisdictional issues and those matters raised by written motion and ruled on before trial. *See TEX. R. APP. P. 25.2(b)(3)* (Vernon Supp. 2000). A defendant's notice of appeal must comply with rule 25.2(b)(3) to confer jurisdiction on a court of appeals to consider nonjurisdictional defects or trial errors. *See Scott v. State*, 995 S.W.2d 325, 326 (Tex. App.—Houston [1st Dist.] 1999, no pet.). A general notice of appeal confers jurisdiction on a court of appeals to consider only jurisdictional issues. *See Shelby v. State*, 887 S.W.2d 77 (Tex. App.—Dallas 1994, no pet.).

In this case, appellant pleaded guilty pursuant to a plea bargain agreement. The trial court sentenced appellant in accordance with the agreement. Since appellant does not complain that the trial court lacked jurisdiction or that his plea was involuntary, any further complaints would be nonjurisdictional. *See Shafer v. State*, 842 S.W.2d 734, 736 (Tex. App.—Dallas 1992, pet. ref'd). Thus, appellant's notice of appeal must comply with the extra-notice requirements of rule 25.2(b)(3). Appellant filed a general notice of appeal which does not comply with these requirements. The notice does not indicate that appellant obtained the trial court's permission to appeal, nor does it show the appeal is from a matter raised by written motion and ruled on before trial. In fact, the docket sheet includes the following language: "The Court assessed punishment not exceeding that recommended by the State and agreed to by the Defendant and his attorney. Permission to appeal will not be granted." Appellant's failure to comply with the mandatory requirements of rule 25.2(b)(3) constitutes a failure to preserve any nonjurisdictional defects. *See id.* After a careful review of the record, we find no jurisdictional error.

We grant counsel's motion to withdraw and dismiss this appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed April 12, 2001.

Panel consists of Justices Fowler, Yates and Wittig.

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