

Dismissed and Opinion filed May 17, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-00369-CR

BILLY GENE CASTO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Cause No. 822,607**

OPINION

After the trial court denied his motion to suppress, appellant pled guilty to the offense of possession of marihuana on February 8, 2000. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to six months confinement in a State Jail Facility . Because we have no jurisdiction over this appeal, we dismiss.

Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure 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. TEX. R. APP. P. 25.2(b)(3). The rule does not mean, however, that an appellate court's jurisdiction is properly invoked by the filing of a specific notice of appeal complying only in form with the extra-notice requirements of Rule 25.2(b)(3). *Betz v. State*, No. 14-99-01192-CR, 2001 WL 25908, **1 (Tex. App.—Houston [14th Dist.] January 11, 2001, no pet.); *Sherman v. State*, 12 S.W.3d 489, 492 (Tex. App.—Dallas 1999, no pet.). An appellant must, in good faith, comply in both form and substance with the extra-notice requirements of the rule. *Id.*; see *Manuel v. State*, 994 S.W.2d 658, 662 (Tex. Crim. App. 1999) (stating that appellant's general notice of appeal could not truthfully state that trial court had given permission to appeal). Not only must the specific notice of appeal recite the applicable extra-notice requirements, the record must substantiate the recitations in the notice of appeal and the issues raised in the brief must relate to the specific claims in the notice of appeal. See *Betz*, 2001 WL at **1; *Sherman*, 12 S.W.3d at 492. Statements required by the rule to be in the notice of appeal must be *true* to confer jurisdiction; mere allegations are not sufficient. *Sherman*, 12 S.W.3d at 492. (emphasis in the original). Noncompliance, in either form or substance, results in a failure to properly invoke the appellate court's jurisdiction over an appeal to which Rule 25.2(b)(3) is applicable. *Id.*

Appellant's notice of appeal failed to invoke this Court's jurisdiction. The notice of appeal contains a signed, handwritten statement by the trial court stating that permission to appeal was granted "as to jurisdictional defects only." Thus, appellant's notice, based on the trial court's notation, complies with the form requirements of Rule 25.2(b)(3). However, appellant's brief does not raise issues involving jurisdictional defects. See *id.* The only issues raised by appellant in the brief relate to (1) the denial of the motion to suppress, (2) the trial court's denial of an *in camera* hearing regarding false statements allegedly made by an officer in the affidavit used to obtain the warrant, and (3) ineffective assistance of counsel. Therefore, we are without jurisdiction to consider any of appellant's issues or points of error.

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed May 17, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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