

Dismissed and Opinion filed May 31, 2001.



In The

Fourteenth Court of Appeals

NO. 14-99-01064-CR

JESSE LOPEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 268th District Court
Fort Bend County, Texas
Trial Court Cause No. 31,078 A**

MEMORANDUM OPINION

Appellant, Jesse Lopez, entered a plea of *nolo contendere* to the felony offense of delivery of a controlled substance in a drug-free zone and, pursuant to a plea agreement with the State, was sentenced to a 15-year term of imprisonment in the Texas Department of Corrections. Because we have no jurisdiction to hear this appeal, we dismiss.

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. 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 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 his plea.¹ *See Cooper v. State*, No. 1100-99, slip op. at 8, 2001 WL 321579 at *1 (Tex. Crim. App. April 4, 2001) (holding that defendant who filed general notice of appeal may not appeal voluntariness of negotiated plea). Moreover, because the time for filing a proper notice of appeal has expired, appellant may not file an amended notice of appeal to correct this jurisdictional defect. *See State v. Riewe*, 13 S.W.3d 408, 413 (Tex. Crim. App. 2000) (concluding appellate rule of procedure 25.2(d), which allows a defendant to amend his notice of appeal, may not be used so as to create jurisdiction where none previously existed).

Accordingly, we dismiss the appeal for want of jurisdiction.

/s/ Leslie Brock Yates
Justice

Judgment rendered and Opinion filed May 31, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

Do Not Publish — TEX.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

¹ The basis of appellant's involuntary plea is alleged ineffective assistance of counsel.