

**Dismissed and Opinion filed June 14, 2001.**



**In The**

**Fourteenth Court of Appeals**

-----  
**NO. 14-01-00495-CR**  
-----

**RIGOBERTO RAMOS, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

**On Appeal from the 208th District Court  
Harris County, Texas  
Trial Court Cause No. 853,264**

---

**O P I N I O N**

On March 23, 2001, appellant pled guilty to possession of a controlled substance, namely phencyclidine. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to two years confinement in the Texas Department of Criminal Justice--Institutional Division. 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 states that appellant intends to appeal from "appealable motions." While this language may, under the broadest interpretation, comply with the form requirements of Rule 25.2(b)(3)(B), the record fails to substantiate this recitation. See *id.* The record establishes that the only written pre-trial motion filed by appellant was a motion for bond reduction. There is nothing in the record to establish the trial court ever ruled on this motion. Rule 25.2(b)(3) specifically requires that the written motion must have been ruled on before trial. TEX. R. APP. P. 25.2(b)(3). Moreover, appellant cannot complain about the trial court's ruling on this motion on appeal; it is moot. Therefore, we are without jurisdiction to review this appeal.

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed June 14, 2001.

Panel consists of Justices Anderson, Frost, and Seymore.

Do Not Publish — TEX.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