

Dismissed and Opinion filed June 21, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00470-CR

CHARLES R. LOTT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 178th District Court
Harris County, Texas
Trial Court Cause No. 833,783**

OPINION

Appellant pled guilty to the offense of indecency with a child by exposure on August 7, 2000. In accordance with the terms of a plea bargain agreement with the State, the trial court deferred adjudication of guilt, placing appellant on eight years deferred adjudication community supervision on August 7, 2000.¹ Because we have no jurisdiction over this appeal, we dismiss.

¹ In addition to receiving eight years of deferred adjudication community supervision, appellant's sentence, in accordance with the plea bargain, included a \$250 fine, 350 hours of community service, sex offender conditions and counseling, and no contact with the complainant.

First we note that appellant's appointed counsel filed a 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). In the brief, appellant's counsel contends the appeal is frivolous because, among other reasons, there is a question whether this court has jurisdiction.

As to the jurisdictional issue, appellant filed a timely pro se general notice of appeal that did not comply with the requirements of Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure. See 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 the time for filing a proper notice of appeal has expired, appellant may not file an amended notice of appeal to correct jurisdictional defects. *State v. Riewe*, 13 S.W.3d 408, 413-14 (Tex. Crim. App. 2000). 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 the plea. See *Cooper v. State*, No. 1100-99, slip. op. at 8, 2001 WL 321579 at *1 (Tex. Crim. App. April 4, 2001) (holding that appellant who files general notice of appeal may not appeal voluntariness of negotiated plea).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed June 21, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

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