

Dismissed and Opinion filed August 23, 2001.



In The

**Fourteenth Court of Appeals**

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NO. 14-01-00118-CR

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**FREDDY REYES QUIROZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 339th District Court  
Harris County, Texas  
Trial Court Cause No. 856,970**

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**OPINION**

Appellant pled guilty to indecency with a child. On December 6, 2000, in accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to confinement for seven years in the Institutional Division of the Texas Department of Criminal Justice. Because we have no jurisdiction over this appeal, we dismiss.

In its brief, the State included a motion to dismiss the appeal for lack of jurisdiction. The motion is granted.

Appellant filed a 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.* The time for filing a proper notice of appeal has expired; thus, 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*, 45 S.W.2d 77, 83 (Tex. Crim. App. 2001) (holding that appellant who files general notice of appeal may not appeal voluntariness of negotiated plea).

Moreover, appellant expressly waived the right to appeal. Appellant signed a "Waiver of Constitutional Rights, Agreement to Stipulate, and Judicial Confession," which contained the following statement: "Further, I waive any right of appeal which I may have should the court accept the foregoing plea bargain agreement between myself and the prosecutor." Because the waiver of appeal was executed after appellant was aware of the punishment to be assessed, and because he retained the right to withdraw his plea if the trial court rejected the parties' agreed recommendation as to punishment, the waiver was effective and requires dismissal of the appeal. *Blanco v. State*, 18 S.W.2d 218, 219-20 (Tex. Crim. App. 2000); *Alzarka v. State*, 14-00-00836-CR, (Tex. App.—Houston [14th Dist.] July 26, 2001, no pet. h.).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed August 23, 2001.

Panel consists of Chief Justice Brister, Justices Hudson and Seymore.

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