

Dismissed and Opinion filed October 21, 1999.



In The

Fourteenth Court of Appeals

NO. 14-97-01323-CR

KRISTOPHER RAY GOMEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 185th District Court
Harris County, Texas
Trial Court Cause No. 760,349**

OPINION

Kristopher Ray Gomez entered a plea of guilty to the offense of possession of a controlled substance. The court found him guilty and assessed punishment at five years deferred adjudication community supervision, 200 hours of community service, a \$1000 fine, and a term of confinement in a drug rehabilitation program called SAFFP.

In two points of error, appellant claims (1) he was denied effective assistance of counsel because defense counsel failed to advise him of all of the requirements of the plea bargain agreement reached with the State; and (2) his plea of guilty was involuntary because it

was based on his attorney's advice that he would only be required to participate in the state's drug rehabilitation program.

Appellant was charged with possession of a controlled substance, namely cocaine weighing less than one gram. Appellant signed a Waiver of Constitutional Rights, Agreement to Stipulate, and Judicial Confession. This document contained the following statement:

I intend to enter a plea of guilty and the prosecutor will recommend that my punishment should be set at 5 yr. D ADJ / \$1000/ 200 CD/ SAFEP and I agree to that recommendation.

Appellant signed this document on October 14, 1997. Appellant's attorney also signed the above document and represented that it had been signed by appellant "knowingly and voluntarily and after I fully discussed it and its consequences with him." The trial judge, by his signature on the document, confirmed that appellant had entered his plea "knowingly and voluntarily after discussing the case with his attorney . . . and the plea is free and voluntary. I find that the defendant's attorney is competent and has effectively represented the defendant in this case." The plea hearing was not recorded.

As a preliminary matter, the State, citing rule 25.2 of the Texas Rules of Appellate Procedure, asserts that this court lacks jurisdiction because appellant has filed a defective notice of appeal. Rule 25.2(b)(3) provides:

- (3) But if the appeal is from a judgment rendered on the defendant's plea of guilty or nolo contendere under Code of Criminal Procedure article 1.15, and the punishment assessed did not exceed the punishment recommended by the prosecutor and agreed to by the defendant, the notice must:
 - (A) specify that the appeal is for a jurisdictional defect;
 - (B) specify that the substance of the appeal was raised by written motion and ruled on before trial; or
 - (C) state that the trial court granted permission to appeal.

Appellant filed a general notice of appeal. It includes the trial court cause number, the style of the case, and the trial court number and county. It is entitled "NOTICE OF APPEAL"

and is signed by appellant's attorney. The substantive content of appellant's notice of appeal is as follows:

Now comes Kristopher Ray Gomez, defendant in the above styled and numbered cause, and gives this written notice of appeal to the Court of Appeals of the State of Texas from the judgment of conviction and sentence herein rendered against him.

A general notice of appeal confers no jurisdiction on a court of appeals to address non-jurisdictional defects or errors that occur before or after the entry of the plea. *Brown v. State*, 943 S.W.2d 35, 41 (Tex. Crim. App. 1997). Appellant's notice of appeal does not meet the requirements of rule 25.2(b)(3). The language of rule 25.2 is "unequivocally mandatory." *Jones v. State*, 796 S.W.2d 183, 186 (Tex. Crim. App. 1990); *Moshay v. State*, 828 S.W.2d 178, 179 (Tex. App.—Houston [14th Dist.] 1992, no pet.).

We dismiss this appeal for want of jurisdiction.

D. Camille Hutson-Dunn
Justice

Judgment rendered and Opinion filed October 21, 1999.

Panel consists of Justices Edelman, Wittig, and Hutson-Dunn.¹

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

¹ Senior Justice D. Camille Hutson-Dunn sitting by assignment.