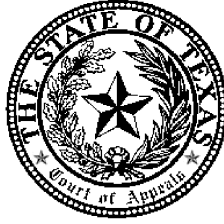


**Dismissed and Opinion filed December 13, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NOS. 14-01-00962-CR  
14-01-00963-CR**

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**JAMES P. HENDERSON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 179th District Court  
Harris County, Texas  
Trial Court Cause Nos. 879,255 & 879,256**

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**OPINION**

Appellant pled guilty to the offenses of possession with the intent to manufacture or deliver a controlled substance and of delivery of a controlled substance on July 31, 2001. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant on July 31, 2001, in each cause number to fourteen years' incarceration in the Institutional Division of the Texas Department of Criminal Justice. Because we have no jurisdiction over these appeals, 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*, 36 S.W.3d 227, 228 (Tex. App.—Houston [14th Dist.] 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*, 36 S.W.3d at 228-29; *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 notices of appeal fail to invoke this court's jurisdiction. The notices of appeal state, in pertinent part: "Motion to Suppress Evidence of Manufacture of Cocaine." Although this language complies with the form requirements of Rule 25.2(b)(3), the record fails to substantiate this recitation. The record in each of these causes contains no motion to suppress. Therefore, we are without jurisdiction to entertain these appeals.

Accordingly, we dismiss the appeals for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed December 13, 2001.

Panel consists of Justices Anderson, Edelman and Frost.

Do Not Publish — TEX.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