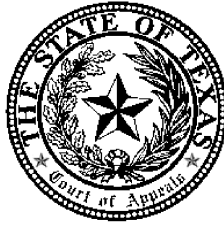


Dismissed and Opinion filed March 28, 2002.



In The
Fourteenth Court of Appeals

NO. 14-02-00201-CR

RONALD ALAN BURKS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 895,513**

OPINION

Appellant pled guilty to the offense of tampering with a governmental record on December 26, 2001. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to three years confinement in the Texas Department of Criminal Justice--Institutional Division. Because we have no jurisdiction over this appeal, we dismiss.

To invoke an appellate court's jurisdiction over an appeal, an appellant must give timely and proper notice of appeal. *White v. State*, 61 S.W.3d 424, 428 (Tex. Crim. App. 2001). Appellant filed a 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, as we noted above, appellant was sentenced on December 26, 2001. No motion for new trial was filed. Appellant's notice of appeal was not filed until February 6, 2002.

A defendant's notice of appeal must be filed within thirty days after sentence is imposed when the defendant has not filed a motion for new trial. *See TEX. R. APP. P. 26.2(a)(1)*. A notice of appeal which complies with the requirements of Rule 26 is essential to vest the court of appeals with jurisdiction. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998). If an appeal is not timely perfected, a court of appeals does not obtain jurisdiction to address the merits of the appeal. Under those circumstances it can take no action other than to dismiss the appeal. *See id.*

Accordingly, for the reasons stated above, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed March 28, 2002.

Panel consists of Justices Hudson, Fowler, and Edelman.

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