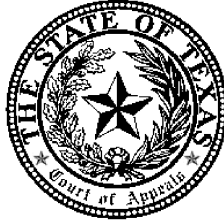


Dismissed and Opinion filed April 4, 2002.



In The  
**Fourteenth Court of Appeals**

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**NO. 14-02-00229-CR**

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**CLIFF CARLTON RICE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 232nd District Court  
Harris County, Texas  
Trial Court Cause No. 900,045**

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**MEMORANDUM OPINION**

Appellant entered a plea of guilty to the offense of possession of a controlled substance, namely methamphetamine, weighing less than one gram. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to confinement for six years in the Institutional Division of the Texas Department of Criminal Justice on January 23, 2002. 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 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.* Appellant's notice of appeal does not comply with the rule. 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). Therefore, 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).

Appellant entered a plea of guilty, and the trial court followed the plea bargain agreement in assessing punishment. As part of the plea agreement, appellant signed a written waiver of the right to appeal. Despite having waived the right to appeal, appellant filed a notice of appeal. Appellant was informed of his right to appeal, knew with certainty the punishment he would receive, and that he could withdraw his plea if the trial court did not act in accordance with the plea agreement. As appellant was fully aware of the consequences when he waived his right to appeal, it is "not unfair to expect him to live with those consequences now." *Alzarka v. State*, 60 S.W.3d 203, 206 (Tex. App.—Houston [14th Dist.] July 26, 2001, pet. filed September 28, 2001) (quoting *Mabry v. Johnson*, 467 U.S. 504, 104 S. Ct. 2543, 2547-48, 81 L. Ed.2d 437 (1984)). *See also Blanco v. State*, 18 S.W.3d 218, 219-20 (Tex. Crim. App. 2000); *Buck v. State*, 45 S.W.3d 275, 278 (Tex. App.—Houston [1st Dist.] 2001, no pet.).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed April 4, 2002.

Panel consists of Chief Justice Brister and Justices Anderson and Frost.

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