

**Dismissed for Want of Jurisdiction and Opinion filed April 12, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-01426-CR**  
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**FREDERICK DWAYNE HOLLIDAY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 184<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 843,809**

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**OPINION**

Appellant entered a guilty plea to the offense of robbery with an agreed recommendation from the State on punishment. The court followed the plea bargain agreement and assessed punishment at confinement for two years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a *pro se* notice of appeal which contains a notation by the trial judge that appellant's request to appeal is denied. We dismiss the appeal for lack of jurisdiction.

Appellant's appointed counsel filed a motion to withdraw from representation of

appellant along with a supporting brief in which he concludes that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. See *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and to file a *pro se* response. As of this date, no *pro se* response has been filed.

We have reviewed the record and counsel's brief. Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure requires a defendant in an appeal from a plea bargained conviction to obtain the trial court's permission to appeal any matter in the case except for jurisdictional issues and those matters raised by written motion and ruled on before trial. See TEX. R. APP. P. 25.2(b)(3) (Vernon Supp. 2000). A trial court is under no obligation to give its permission for an appeal. See *Faerman v. State*, 966 S.W.2d 843, 847 (Tex. App.—Houston [14th Dist.] 1998, no pet.).

A general notice of appeal does not confer jurisdiction on a court of appeals to consider nonjurisdictional defects or errors that occur before or after the entry of a negotiated plea. See *Shelby v. State*, 887 S.W.2d 77 (Tex. App.—Dallas 1994, no pet.). A defendant's notice of appeal must comply with rule 25.2(b)(3) to confer jurisdiction on a court of appeals to consider nonjurisdictional defects or trial errors. See *Scott v. State*, 995 S.W.2d 325, 326 (Tex. App.—Houston [1st Dist.] 1999, no pet.). A general notice of appeal confers jurisdiction on a court of appeals to consider only jurisdictional issues and issues related to the voluntariness of a plea. See *Shelby*, 887 S.W.2d at 78; *Perez v. State*, 31 S.W.3d 809, 810 (Tex. App.—Houston [1st Dist.] 2000, pet. refd.).

In this case, appellant filed a general notice of appeal. The notice does not indicate that appellant obtained the trial court's permission to appeal, nor does it show the appeal is from a matter raised by written motion and ruled on before trial. In fact, the trial judge wrote

“Request to appeal denied” on appellant’s *pro se* notice of appeal. Therefore, this court may consider only jurisdictional issues and challenges to the voluntariness of the plea. After a careful review of the record, we find no such issues.

We dismiss this appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed April 12, 2001.

Panel consists of Justices Edelman, Frost and Senior Chief Justice Murphy.<sup>1</sup>

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

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<sup>1</sup> Senior Chief Justice Paul C. Murphy sitting by assignment.