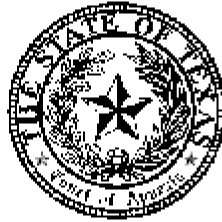
Dismissed and Opinion filed May 24, 2001.



In The

Fourteenth Court of Appeals

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NO. 14-00-00593-CR

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GREGORIO MANZANO ANGELES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 802,684

O P I N I O N

Appellant pled guilty to the offense of aggravated sexual assault of a child on January 21, 2000. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to 25 years incarceration. Because we have no jurisdiction over this appeal, we dismiss.

Appellant filed a timely 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.* Because the time for filing a proper notice of appeal has expired, 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*, No. 1100-99, slip. op. at 8, 2002 WL 321579 at *1 (Tex. Crim. App. April 4, 2001) (holding that appellant who files general notice of appeal may not appeal voluntariness of negotiated plea).

In his brief, appellant argues that this court does have jurisdiction because the record does not show appellant personally agreed to punishment in the plea agreement. In particular, appellant complains that the judgment required him to register as a sex offender, and this was not part of the punishment agreed to. Thus, appellant claims he is not subject to the limitations of Rule 25.2(b)(3). We disagree.

Registration under the Sexual Offender Registration Progam imposes no additional penalty or punishment unless appellant fails to comply with the statute. TEX. CODE CRIM. PROC. ANN. Art. 62.10 (Vernon Supp. Pamph. 2001). Because there is only a possibility of punishment if a person fails to comply with the statute, this court has held that the requirement to register as a sex offender is not a direct consequence of a plea of guilty to offense of sexual assault. *Ruffin v. State*, 3 S.W.3d 140, 144 (Tex. App.–Houston [14th Dist.] 1999, pet. ref'd). *See also Saldana v. State*, 33 S.W.3d 70, 71 (Tex. App.–Corpus Christi 2000, no pet. h.)(requirement to register as sex offender does not impose punishment for constitutional purposes). Accordingly, we find that the trial court's requirement that appellant register as a sex offender does not constitute punishment additional to that recommended by the prosecution and agreed to by appellant. Thus, the requirements of Rule 25.2(b)(3) are applicable.

Because appellant failed to perfect his appeal in accordance with the requirements of Rule 25.2(b)(3), we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed May 24, 2001.

Panel consists of Justice Yates, Fowler, and Wittig.

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