

Dismissed and Opinion filed June 7, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-00655-CR

SAMUEL DELINE O'NEIL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 767,899**

OPINION

Appellant pled guilty to aggravated assault on March 12, 1998. In accordance with the terms of a plea bargain agreement, the trial judge deferred adjudication of guilt and placed appellant on community supervision for eight years. The State filed a motion to adjudicate guilt. After a hearing, the trial court found appellant guilty and assessed punishment at confinement for eight years.

Appellant filed a timely 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). The requirements of Rule 25.2(b)(3) apply to an appeal from a judgment

adjudicating guilt when, as in the present case, the State recommended deferred adjudication probation at the original plea. *See Watson v. State*, 924 S.W.2d 711, 714-15 (Tex. Crim. App. 1996). 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). Therefore, we are without jurisdiction to consider complaints concerning the adjudication of guilt.

Nor may we now consider any complaint concerning the original plea because those had to have been raised when deferred adjudication community supervision was first imposed. *Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). Moreover, in a plea-bargained felony case, when an appellant files a notice of appeal that does not comply with Rule 25.2(b)(3), the appellate court may not consider the issue of voluntariness of the plea. *Cooper v. State*, No. 1100-99, slip op. at 8, 2001 WL 321579 at * 1 (Tex. Crim. App. April 4, 2001).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed June 7, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

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