

Dismissed and Opinion filed June 21, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00073-CR

BARRY TYRELL WARREN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 178th District Court
Harris County, Texas
Trial Court Cause No. 855,963**

MEMORANDUM OPINION

On November 28, 2000, appellant entered a plea of guilty to the offense of arson. In accordance with the terms of a plea bargain agreement with the State, the trial court sentenced appellant to confinement for two years in the Institutional Division of the Texas Department of Criminal Justice. On December 12, 2000, appellant filed a pro se notice of appeal. We dismiss the appeal for want of jurisdiction.

Appellant's appointed counsel filed a brief in which she 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 (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). We have reviewed the record and counsel's brief and agree that the appeal is without merit because we lack jurisdiction.

Appellant's notice of appeal 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 rule does not mean, however, that an appellate court's jurisdiction is properly invoked by the filing of a specific notice of appeal complying only in form with the extra-notice requirements of Rule 25.2(b)(3). *Betz v. State*, 36 S.W.3d 227, 228 (Tex. App.—Houston [14th Dist.] 2001, no pet.). An appellant must, in good faith, comply in both form and substance with the extra-notice requirements of the rule. *Id.*

While appellant's notice of appeal makes reference to pretrial motions, the record before this court does not contain any rulings by the trial court on any of these motions. The record also does not reflect that the trial court granted appellant permission to appeal. Because appellant's notice of appeal did not comply with the requirements of Rule 25.2(b)(3), we are without jurisdiction to consider the appeal, including a challenge to the voluntariness of the plea. *See 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 21, 2001.

Panel consists of Justices Edelman and Frost and Senior Chief Justice Murphy.¹

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.

Do Not Publish — TEX.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