

Dismissed and Opinion filed August 31, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-00204-CR

RONALD JEROME WILLIAMS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 183rd District Court
Harris County, Texas
Trial Court Cause No. 796,130**

OPINION

Charged with the offense of sexual assault of a child, appellant, Ronald Williams, pled guilty. In his sole point of error, appellant contends he was denied counsel at a critical stage of the proceedings, i.e., the filing period for a motion for new trial. Because we do not have jurisdiction over appellant's point of error, we dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

The events leading up to appellant's arrest began on June 27, 1997. On that day, appellant coerced a person under seventeen years of age to engage in sexual activities with him. That individual filed a complaint, and shortly thereafter, appellant was arrested. The trial court appointed counsel for appellant. Taking the advice of counsel, appellant accepted a plea bargain that included a thirty -year sentence.

JURISDICTION

In order to perfect an appeal in a criminal matter where a plea agreement was reached, an appellant must: (1) specify 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 the trial court granted permission to appeal. *See* TEX. R. APP. P. 25.2(b)(3). Without satisfying one of these requirements, we have no jurisdiction to hear most claims. *See Guzman v. State*, 993 S.W.2d 232, 234 (Tex. App.—San Antonio 1999, pet. ref'd); *cert. denied*, ___ U.S. ___, 120 S.Ct. 1174 (2000). Here it is undisputed that appellant did not satisfy any of the requirements of Texas Rule of Appellate Procedure 25.2(b).¹ However, if an appellant fails to comply with this rule, we nevertheless will have jurisdiction if the appellant is challenging the voluntariness of the plea agreement. *See id.* (citing *Flowers v. State*, 935 S.W.2d 131, 133 (Tex. Crim. App. 1996)).

When an appellant claims that a plea agreement was not signed voluntarily due to ineffective assistance of counsel, Rule 25.2(b) cannot remove the jurisdiction of this court. *See Moore v. State*, 4 S.W.3d 269, 272 (Tex. App.—Houston [14th Dist.] 1999, no pet.). Here, appellant's notice of appeal hints that the plea agreement was not signed voluntarily due to ineffective assistance of counsel and due to his not being in his right state of mind. Appellant, however, did not brief the voluntariness issue. Issues not briefed are waived. *See* TEX. R. APP. P. 38.1(h); *Vawter v. Garvey*, 786 S.W.2d 263, 264 (Tex. 1990).

¹ Appellant originally alleged he received permission to appeal; however, the record is clear that the trial court expressly denied this request.

Appellant's only assertion on appeal is that he was denied effective assistance of counsel at a critical stage of the proceeding, i.e., the filing period for a motion for new trial. This assertion does not question the voluntariness of the plea agreement. Therefore, because appellant waived the issue of voluntariness, and we do not have jurisdiction over any other claims, we affirm the lower court's resolution of this matter and dismiss this appeal.

/s/ Kem Thompson Frost
Justice

Judgment rendered and Opinion filed August 31, 2000.

Panel consists of Justices Amidei, Anderson and Frost.

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