

Dismissed and Opinion filed June 21, 2001.



In The

**Fourteenth Court of Appeals**

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**NO. 14-00-01441-CR**

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**FELIX DIAZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 208th District Court  
Harris County, Texas  
Trial Court Cause Nos. 823,714 & 823,715**

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**MEMORANDUM OPINION**

On October 6, 2000, appellant entered pleas of guilty to the offenses of aggravated robbery and aggravated kidnapping. In accordance with the terms of plea bargain agreements with the State, the trial court sentenced appellant to confinement for twenty years in the Institutional Division of the Texas Department of Criminal Justice on each offense, with the sentences to run concurrently. On October 30, 2000, appellant filed a pro se notice of appeal in each case. We dismiss the appeals for want of jurisdiction.

Appellant's appointed counsel filed briefs in which he concludes that the appeals

are wholly frivolous and without merit. The briefs meet 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 briefs and agree that the appeals are without merit because we lack jurisdiction.

Appellant's notices 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 notices of appeal make reference to the requirement for the trial court's permission to appeal, the records before this court do not reflect that the trial court granted appellant permission to appeal. The notices of appeal do not state that appellant is appealing any pre-trial rulings on motions. Because appellant's notice of appeal does not comply with the requirements of Rule 25.2(b)(3), we are without jurisdiction to consider the appeals, 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 appeals 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.<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.