

Dismissed and Opinion filed July 12, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01492-CR

VICTOR LAMONT BLUITT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 176th District Court
Harris County, Texas
Trial Court Cause No. 797,580**

OPINION

On June 25, 1999, appellant entered a plea of guilty, without a plea bargain agreement, to the felony offense of burglary of a habitation. The trial court deferred adjudication of guilt, placed appellant on community supervision for ten years, ordered restitution in the amount of \$2,500, and ordered appellant to complete 320 hours of community service. Appellant filed no appeal at that time. On May 18, 2000, the State filed a motion to adjudicate guilt. After a hearing, the trial court found appellant guilty and assessed punishment at confinement in the Institutional Division of the Texas

Department of Criminal Justice for ten years. Appellant filed a written notice of appeal. We dismiss for want of jurisdiction.

Appellant's appointed counsel filed a brief in which he 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, 18 L.Ed.2d 493 (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). A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and file a pro se response. Appellant responded, but he has not raised any arguable points of error. After review of the record, we agree with counsel that the appeal is frivolous and conclude this court is without jurisdiction to consider the appeal.

Appellant's general notice of appeal does 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).

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed July 12, 2001.

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

Do Not Publish — TEX.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

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