

Dismissed and Opinion filed August 9, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00676-CR

CONRADO ADALBERTO CONTRERAS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 866,353**

OPINION

On April 19, 2001, appellant pled guilty to robbery. 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. Because we have no jurisdiction over this appeal, we dismiss.

Appellant filed a pro se 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). 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.* An appellant must, in good faith, comply in both form and substance with the extra-notice requirements of the rule. Not only must the specific notice of appeal recite the applicable extra-notice requirements, the record must substantiate the recitations in the notice of appeal and the issues raised in the brief must relate to the specific claims in the notice of appeal. *Betz v. State*, 36 S.W.3d 227, 228-29 (Tex. App.—Houston [14th Dist.] 2001, no pet.); *Sherman v. State*, 12 S.W.3d 489, 492 (Tex. App.—Dallas 1999, no pet.). Statements required by the rule to be in the notice of appeal must be *true* to confer jurisdiction; mere allegations are not sufficient. *Sherman*, 12 S.W.3d at 492. (emphasis in the original).

Appellant's notice of appeal stated the requirement for obtaining the permission of the trial court to appeal from an agreed guilty plea. The trial judge expressly noted on the notice of appeal that permission was denied, however. Furthermore, the record contains no pretrial motions and appellant does not assert any jurisdictional defect. Accordingly, we are without jurisdiction to consider the appeal.

Accordingly, we dismiss the appeal for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed August 9, 2001.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do Not Publish — TEX.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