

Dismissed and Opinion filed September 28, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-01239-CR

CARL LYNN HOLLOMAN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 788778**

OPINION

Appellant entered a plea of not guilty to the offense of aggravated sexual assault of a child. After a jury trial, the trial judge declared a mistrial based on a hung jury. Thereafter, appellant waived his right to trial and entered a plea of guilty. He was convicted and placed on ten years deferred adjudication and a fine of \$500. The State subsequently filed a motion to adjudicate. Appellant entered a plea of true to the motion and the court assessed his punishment at seventeen years confinement. In a single point of error, appellant claims the trial court abused its discretion in declaring a mistrial. We dismiss the appeal for want of jurisdiction.

Appellant's plea of guilty was entered pursuant to a plea bargain. If a negotiated plea of guilty results in deferred adjudication, rule 25.2(b)(3) of the Texas Rules of Appellate Procedure applies to the appeal of a judgment of conviction after adjudication of guilt. *See Watson v. State*, 924 S.W.2d 711, 713-14 (Tex. Crim. App. 1996). Rule 25.2(b)(3) sets out the form and sufficiency required of a notice of appeal to properly invoke this court's appellate jurisdiction over an appeal from a judgment entered on an appellant's negotiated plea of guilty. The notice must: (a) specify that the appeal is for a jurisdictional defect; (b) specify that the substance of the appeal was raised by written motion and ruled on before trial; or (c) state that the trial court granted permission to appeal.

If an appellant does not file a specific notice of appeal, complying, both in form and in substance, with the extra notice requirements of rule 25.2(b)(3), he cannot successfully invoke this court's jurisdiction. *See Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). Appellant filed a general notice of appeal, which does not comply with the requirements of rule 25.2(b)(3). Without jurisdiction over an appeal, the only action this court can take is to dismiss the appeal. *See Slaton v. State*, 981 S.W.2d 208, 210 (Tex. Crim. App. 1998).

Therefore, the appeal is dismissed for want of jurisdiction.

PER CURIAM

Judgment rendered and Opinion filed September 28, 2000.

Panel consists of Justices Yates, Wittig and Frost.

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