

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00721-CR

Thomas Lee Suarez, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 368TH JUDICIAL DISTRICT
NO. 02-613-K368, HONORABLE BURT CARNES, JUDGE PRESIDING**

Thomas Lee Suarez was convicted of retaliation following a plea of guilty. *See* Tex. Pen. Code Ann. § 36.06 (West Supp. 2002). As called for in a plea bargain agreement, the district court assessed punishment at imprisonment for ten years and a \$2500 fine, suspended imposition of sentence, and placed Suarez on community supervision. Suarez filed a pro se notice of appeal.

When a defendant pleads guilty to a felony and the punishment assessed does not exceed that recommended by the prosecutor and agreed to by the defendant, the notice of appeal must state that the appeal is for a jurisdictional defect, or that the substance of the appeal was raised by written motion and ruled on before trial, or that the trial court granted permission to appeal. Tex. R. App. P. 25.2(b)(3); *see also Cooper v. State*, 45 S.W.3d 77, 79 (Tex. Crim. App. 2001) (rule 25.2(b) limits every appeal in a plea bargain, felony case). Suarez's notice of appeal does not comply with this rule and fails to confer jurisdiction on this Court. *Whitt v. State*, 45 S.W.3d 274, 275 (Tex. App. CAustin 2001, no pet.).

The appeal is dismissed for want of jurisdiction.

Bea Ann Smith, Justice

Before Justices Kidd, B. A. Smith and Yeakel

Dismissed for Want of Jurisdiction

Filed: December 5, 2002

Do Not Publish