

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 16, 2013

Lyle W. Cayce
Clerk

No. 12-20310

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALFONSO GONZALEZ, also known as Flaco,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:10-CR-696-2

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Alfonso Gonzalez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Gonzalez has not filed a response. Counsel's motion to supplement the record on appeal with the amended judgment and for this court to reconsider the *Anders* brief and motion to withdraw is GRANTED. We have reviewed counsel's brief and the relevant portions of the record reflected therein. We concur with

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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counsel's assessment that the appeal presents no nonfrivolous issue for appellate review.

The record does reveal a clerical error in the judgment. The written judgment provides, confusingly, as to count three, that Gonzalez was convicted of “[c]onspiracy to possess a firearm in relation to a drug trafficking offense.” *See United States v. Cooper*, 714 F.3d 873, 877 (5th Cir. 2013). Count three of the indictment charged Gonzalez with conspiracy to use and carry a firearm during and in relation to a drug trafficking crime, as set forth in counts one and two, and to possess the firearm in furtherance of such crimes, and Gonzalez pleaded guilty to the offense charged in the indictment. The judgment should be corrected to properly identify the offense of conviction on count three.

Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. This matter is REMANDED for correction of the clerical error pursuant to Federal Rule of Criminal Procedure 36.