



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00122-CR

No. 10-13-00123-CR

No. 10-13-00124-CR

JUAN MANUAL GONZALES,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 19th District Court
McLennan County, Texas
Trial Court Nos. 2011-2460-C1, 2012-534-C1 and 2012-541-C1**

MEMORANDUM OPINION

Juan Manual Gonzales attempts to appeal from his convictions for the offenses of delivery of a controlled substance. The record indicates that the sentences were imposed on October 24, 2012, and the notices of appeal were filed on April 18, 2013. In Cause No. 10-12-00420-CR, sentence was imposed on October 24, 2012, and a pro se notice of appeal was filed in this Court on November 15, 2012. Cause Nos. 10-13-00122-

CR, 10-13-00123-CR, and 10-13-00124-CR were tried together with Cause No. 10-12-00420-CR; however, the November 15, 2012 notice of appeal does not include those judgments or trial court cause numbers. An amended notice of appeal was filed on April 19, 2013, seeking to include the omitted cause numbers. By letter dated May 8, 2013, the Clerk of this Court notified Gonzales that the appeals were subject to dismissal because it appeared that the notices of appeal were untimely. *See* TEX. R. APP. P. 26.2(a)(1). The Clerk also warned Gonzales that the appeals would be dismissed unless, within 21 days of the date of the letter, a response was filed showing grounds for continuing the appeal. *See* TEX. R. APP. P. 44.3.

In his response, Gonzales argues that Texas Rule of Appellate Procedure 25.2 (f) allows his amendment to the November 15, 2012 to add the three additional cause numbers. Rule 25.2 (f) states:

Amending the Notice or Certification. An amended notice of appeal or trial court's certification of the defendant's right of appeal correcting a defect or omission in an earlier filed notice or certification, including a defect in the notification of the defendant's appellate rights, may be filed in the appellate court in accordance with Rule 37.1, or at any time before the appealing party's brief is filed if the court of appeals has not used Rule 37.1. The amended notice or certification is subject to being struck for cause on the motion of any party affected by the amended notice or certification. After the appealing party's brief is filed, the notice or certification may be amended only on leave of the appellate court and on such terms as the court may prescribe.

TEX. R. APP. P. 25.2 (f). Rule 25.2 (f) allows an amendment to correct a clerical error when the wrong cause number is mistakenly written in the notice of appeal. *See Few v. State*, 230 S.W.3d 184 (Tex. Crim. App. – 2007). However, the November 15 notice of appeal does not include any attempt to appeal from Cause Nos. 10-13-00122-CR, 10-13-

123-CR, and 10-13-00124-CR. The November 15 notice of appeal does not reference the trial court cause numbers or the judgments from those cases. There were no timely notices of appeal for Cause Nos. 10-13-00122-CR, 10-13-123-CR, and 10-13-00124-CR. Rule 25.2 (f) allows an amendment to correct defects in the notice of appeal, but not to add additional cause numbers.

Accordingly, the appeals are dismissed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed July 11, 2013
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