

NO. 12-12-00294-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>DANNY DALE WEISINGER, SR., APPELLANT</i>	§	<i>APPEAL FROM THE 349TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS, APPELLEE</i>	§	<i>HOUSTON COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

This pro se in forma pauperis appeal is being dismissed for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c). The judgment in this case was signed on August 20, 2012. On September 10, 2012, Appellant filed a notice of appeal that failed to contain the information required by Texas Rules of Appellate Procedure 9.5 and 25.1(e), i.e., a certificate of service showing service on all parties to the trial court's judgment.

On September 10, 2012, Appellant was notified pursuant to Texas Rule of Appellate Procedure 37.1 that the notice of appeal was defective for failure to comply with Rules 9.5 and 25.1(e). He was further notified that unless he filed an amended notice of appeal on or before September 20, 2012, the appeal would be referred to the court for dismissal. *See* TEX. R. APP. P. 42.3(c).

On September 24, 2012, Appellant filed an amended notice of appeal. However, the amended notice of appeal does not include the required certificate of service. Therefore, Appellant has failed to correct his defective notice of appeal. Accordingly, the appeal is *dismissed* for failure to comply with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.3(c); *Feist v. Berg*, No. 12-04-00004-CV, 2004 WL 252785, at *1 (Tex. App.-Tyler Feb. 11, 2004, pet. denied); *Feist v. Hubert*, No. 12-03-00442-CV, 2004 WL 252285, at *1 (Tex. App.-

Tyler Feb. 11, 2004, pet. denied).

Opinion delivered October 17, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

OCTOBER 17, 2012

NO. 12-12-00294-CV

DANNY DALE WEISINGER, SR.,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 349th Judicial District Court
of Houston County, Texas. (Tr.Ct.No. 03CR035)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By per curiam opinion.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.