

Dismissed and Opinion filed July 26, 2001.



In The

**Fourteenth Court of Appeals**

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NO. 14-01-00068-CR

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**CHARLES LEE GREGORY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 400th District Court  
Fort Bend County, Texas  
Trial Court Cause No. 26,671**

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**OPINION**

Appellant pled guilty to the offense of indecency with a child on September 11, 1995. In accordance with the terms of a plea bargain agreement, the trial judge deferred adjudication of guilt and placed appellant on community supervision for 10 years. The State filed a motion to adjudicate guilt. After a hearing, the trial court found appellant guilty and

assessed punishment on December 15, 2000,<sup>1</sup> at confinement for 5 years in the Institutional Division of Texas Department of Criminal Justice.

Appellant's appointed counsel filed a brief in which he concludes that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and file a pro se response. An extension of time to file the pro se response was granted to May 30, 2001. As of this date, no pro se response has been filed.

In the *Anders* brief, appellant's counsel observes that this Court may be without jurisdiction to address a complaint about the adjudication of guilt. Appellant filed a timely general notice of appeal that did not comply with the requirements of Rule 25.2(b)(3) of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 25.2(b)(3). The requirements of Rule 25.2(b)(3) apply to an appeal from a judgment adjudicating guilt when, as in the present case, the State recommended deferred adjudication probation at the original plea. *See Watson v. State*, 924 S.W.2d 711, 714-15 (Tex. Crim. App. 1996). Because the time for filing a proper notice of appeal has expired, appellant may not file an amended notice of appeal to correct jurisdictional defects. *State v. Riewe*, 13 S.W.3d 408, 413-14 (Tex. Crim. App. 2000). Therefore, we are without jurisdiction to consider complaints concerning the adjudication of guilt.

Accordingly, we dismiss the appeal for want of jurisdiction.

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<sup>1</sup> Appellant's counsel notes that the judgment contains at least one typographical error, *e.g.*, the portion of the judgment regarding the offense appellant is convicted of, indecency with a child, recites Penal Code section 22.11(A)(1). There is no such section. The Penal Code section regarding the offense of indecency with a child is section 21.11. TEX. PEN. CODE ANN. § 21.11 (Vernon Supp. 2001). Appellant asks that we reform the judgment. Our finding that we have no jurisdiction, however, precludes us from reforming the judgment.

PER CURIAM

Judgment rendered and Opinion filed July 26, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

Do Not Publish — TEX. R. APP. P. 47.3(b).