

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Martin Tovar Zapata v. The State of Texas

No. 03-25-00909-CR · No. 03-25-00909-CR · Decided June 12, 2026

SUMMARY

The Texas Court of Appeals, Third District, modified the judgment adjudicating guilt to correct the appellant's surname from "Tavarzapata" to "Tovar Zapata." The court then granted the appellant's signed motion to dismiss the appeal and dismissed the appeal.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Rosa Lopez Theofanis; Chief Justice Byrne; Justice Theofanis; Justice Crump
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	June 12, 2026
DOCKET	03-25-00909-CR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant moved to dismiss his criminal appeal after judgment adjudicating guilt was entered in the trial court.
PRECEDENTIAL VALUE	unpublished; do not publish
PARTIES	Martin Tovar Zapata v. The State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

criminal procedure

QUESTIONS PRESENTED

- Whether the court of appeals could modify the judgment adjudicating guilt to correct appellant's surname when the necessary information was available in the record.
- Whether the court should dismiss the appeal upon a motion signed by both appellant and his attorney.

HOLDINGS

1. An appellate court may correct or reform a judgment when the necessary information is available, and the court therefore modified the judgment to state appellant's name as "Martin Tovar Zapata."
2. The court granted and dismissed the appeal because appellant's motion to dismiss was signed by both appellant and his attorney.

FACTUAL BACKGROUND

The trial-court judgment adjudicating guilt incorrectly recited appellant's surname as "Tavarzapata." The record, including appellant's response to questioning by the trial court, established that his surname was Tovar Zapata. Appellant and his attorney jointly signed a motion to dismiss the appeal.

PROCEDURAL HISTORY

The appeal arose from the 427th District Court of Travis County. While considering appellant's motion to dismiss, the court of appeals corrected the judgment's misspelling of appellant's surname and then granted the signed motion to dismiss the appeal.

DISPOSITION

dismissed

CASES CITED

- Bigley v. State, 865 S.W.2d 26, 27-28 (Tex. Crim. App. 1993)
- Tiscareno v. State, 608 S.W.3d 434, 443 (Tex. App.-Houston [1st Dist.] 2020, pet. ref'd)

OPINION

Martin Tovar Zapata v. the State of Texas

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-25-00909-CR

Martin Tovar Zapata, Appellant v. The State of Texas, Appellee

FROM THE 427TH DISTRICT COURT OF TRAVIS COUNTY

NO. D-1-DC-22-204696, THE HONORABLE TAMARA NEEDLES, JUDGE PRESIDING

MEMORANDUM OPINION

Appellant Martin Tovar Zapata has filed a motion to dismiss his appeal. As an initial matter, we note that the judgment adjudicating guilt erroneously recites appellant's surname as "Tavarzapata." In response to questioning by the trial court, appellant stated that his surname is in fact Tovar Zapata. Appellate courts have the authority to correct or reform a judgment when the necessary information is available to do so. See Tex. R. App. P. 43.2(b); Bigley v. State, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993). Accordingly, we modify the judgment adjudicating guilt in trial court

cause number D-1-DC-22-204696 to reflect that appellant's name is "Martin Tovar Zapata." See *Tiscareno v. State*, 608 S.W.3d 434, 443 (Tex. App.—Houston [1st Dist.] 2020, pet. ref'd) (concluding that "the spelling of appellant's name in the judgment does not accurately comport with the record in this case" and modifying judgment). Appellant's motion to dismiss is signed by both appellant and his attorney. See Tex. R. App. P. 42.2(a). We grant the motion and dismiss the appeal. See id. _____ Rosa Lopez Theofanis, Justice Before Chief Justice Byrne, Justices Theofanis and Crump Dismissed on Appellant's Motion Filed: June 12, 2026 Do Not Publish 2