

Dismissed and Memorandum Opinion filed October 7, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-01041-CR

NANCI FARIS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 54,038

MEMORANDUM OPINION

A jury convicted appellant of driving while intoxicated. The trial court sentenced appellant to confinement for ten years in the Institutional Division of the Texas Department of Criminal Justice and a fine of \$500, suspended. Subsequently, appellant's community supervision was revoked and she was sentenced to confinement for one year in the county jail. Appellant filed a notice of appeal.

On August 19, 2010, this court ordered a hearing to determine why appellant's counsel had not filed a brief in this appeal. On September 16, 2010, the trial court conducted the hearing and on September 23, 2010, a supplemental clerk's record was filed

containing the trial court's findings of fact and conclusions of law and a record of the hearing. At the hearing, appellant, together with her counsel, confirmed that she had discussed the issues with counsel and determined that appellant no longer wished to pursue her appeal.

Appellant has filed a written motion to withdraw the notice of appeal but the motion is not signed by appellant. *See* TEX. R. APP. P. 42.2(a). However, based upon the trial court's findings that appellant does not want to continue her appeal, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case. *See* TEX. R. APP. P. 2.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Seymore, Boyce, and Sullivan.

Do Not Publish — TEX. R. APP. P. 47.2(b).