

Dismissed and Memorandum Opinion filed August 5, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00398-CR

DEE EDWARD CARDER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 122nd District Court
Galveston County, Texas
Trial Court Cause No. 09CR0618**

MEMORANDUM OPINION

Appellant entered a guilty plea to the offense of attempted aggravated sexual assault of a child. On March 11, 2010, the trial court sentenced appellant to confinement for seven years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a notice of appeal on April 1, 2010.

On June 3, 2010, this court ordered a hearing to determine whether appellant desires to prosecute his appeal, whether appellant is indigent, and if not indigent whether appellant has abandoned his appeal. On June 22, 2010, the trial court conducted the hearing, and the record of the hearing was filed in this court on July 8, 2010.

At the hearing, appellant, together with his counsel, confirmed that appellant had discussed the issues with counsel and determined that he no longer wished to pursue his appeal.

Appellant has not filed a written motion to withdraw the appeal or a written motion to dismiss the appeal. *See* Tex. R. App. P. 42.2(a). However, based upon the testimony at the hearing that appellant does not want to continue his 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 Anderson, Frost, and Seymore.

Do Not Publish — Tex. R. App. P. 47.2(b).