

Dismissed and Memorandum Opinion filed October 7, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00634-CR

ELDON LEROY TERRY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 1226471**

MEMORANDUM OPINION

Appellant entered a guilty plea to possession of between four and 200 grams of a controlled substance. In accordance with the terms of a plea bargain agreement with the State, on August 3, 2009, the trial court deferred a finding of guilt and placed appellant on community supervision for five years. Appellant subsequently entered a plea of true to the allegations in the State's motion to adjudicate guilt. On July 8, 2010, the trial court adjudicated appellant's guilt and sentenced him to confinement for four years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a timely notice of appeal.

On September 21, 2010, a record from a hearing in the trial court was filed in this court. At the hearing, appellant testified that he no longer wished to pursue his appeal. The trial court found that appellant wished to withdraw his notice of appeal.

Appellant has not filed a written motion to withdraw his notice of appeal or 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 Chief Justice Hedges and Justices Yates and Sullivan.

Do Not Publish — Tex.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