

Dismissed and Memorandum Opinion filed October 21, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00890-CR

DAVID WARREN CHILDRESS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 176th District Court
Harris County, Texas
Trial Court Cause No. 1257678**

MEMORANDUM OPINION

A jury convicted appellant of possession of a controlled substance. On August 16, 2010, the trial court sentenced appellant to confinement for two years in the Institutional Division of the Texas Department of Criminal Justice. Appellant filed a notice of appeal on September 14, 2010.

On September 30, 2010, the trial court conducted a hearing to determine whether appellant desired to prosecute his appeal, and the record of the hearing was filed in this court on October 4, 2010.

At the hearing, appellant confirmed 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 Brown.

Do Not Publish — Tex.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