

Dismissed and Memorandum Opinion filed September 18, 2018.



In The

Fourteenth Court of Appeals

NO. 14-18-00405-CR

MICHAEL DAVID LUNA, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 5
Harris County, Texas
Trial Court Cause No. 2169173**

M E M O R A N D U M O P I N I O N

A jury convicted appellant of assault of a family member. On May 2, 2018, the trial court sentenced appellant to confinement for one year in the Harris County Jail. Appellant filed a notice of appeal on May 2, 2018.

On August 14, 2018, this court ordered a hearing to determine whether appellant was entitled to proceed without payment of costs in this appeal. On

September 4, 2018, the trial court conducted the hearing, and the record of the hearing was filed in this court on September 7, 2018.

At the hearing, appellant, together with his counsel, confirmed that he had discussed the issues with counsel and determined that appellant 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 on 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 Donovan, Wise, and Jewell.

Do Not Publish — Tex.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