



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00217-CR

The **STATE** of Texas,
Appellant

v.

Kyle Tyrone **WARNER**,
Appellee

From the County Court at Law No. 15, Bexar County, Texas
Trial Court No. 390617
The Honorable Michael La Hood, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice

Delivered and Filed: July 17, 2013

MOTION TO DISMISS GRANTED; APPEAL DISMISSED

Appellant, the State of Texas, filed a motion to dismiss this appeal. The motion is granted, and this appeal is dismissed.¹ *See* TEX. R. APP. P. 42.2(a).

PER CURIAM

DO NOT PUBLISH

¹ During the pendency of this appeal, appellee Kyle Tyrone Warner filed a motion to remand this matter to the trial court to allow the trial court to advise this court what portion of a DVD was viewed by the trial court in making its determinations in this case. We ordered the motion carried with the appeal. Given the State's motion to dismiss, we withdraw our order carrying the motion with the appeal and **DENY** the motion as moot.