



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 2-09-119-CR

ARTURO RODRIGUEZ JR.

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 4 OF TARRANT COUNTY

MEMORANDUM OPINION¹ AND JUDGMENT

We abated this case to the trial court on September 16, 2009 so that the trial court could determine whether appellant desires to prosecute his appeal. At the abatement hearing held on October 9, 2009, appellant, in the presence of his appellate counsel and the State's appellate counsel, stated on the record that he does not want to pursue his appeal. We hold that this procedure substantially complies with rule 42.2(a) of the rules of appellate procedure. See Tex. R. App. P. 42.2(a).

No decision of this court having been delivered before we received evidence of appellant's desire to dismiss his appeal, we dismiss all pending

¹ [See](#) Tex. R. App. P. 47.4.

motions and this appeal. *See* Tex. R. App. P. 42.2(a), 43.2(f).

PER CURIAM

PANEL: DAUPHINOT, GARDNER, and WALKER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: November 5, 2009