



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-22-00313-CR

JASON EUGENE ARNOLD, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 396th District Court
Tarrant County, Texas
Trial Court No. 1424463D

Before Sudderth, C.J.; Kerr and Walker, JJ.
Memorandum Opinion by Justice Walker

MEMORANDUM OPINION

Appellant Jason Eugene Arnold was convicted by a jury of sexual assault and sentenced to ten years' confinement, which was probated for ten years. Later, the State moved to revoke his probation. After a hearing on the State's motion, the trial court found it true that Arnold had violated certain terms of his probation, revoked his probation, and sentenced him to eight years' confinement. Arnold filed a notice of appeal but his attorney later informed us that Arnold had expressed a desire to withdraw the appeal. However, Arnold filed neither a motion to dismiss the appeal nor an appellant's brief.

Accordingly, we abated the appeal and remanded for the trial court to conduct a hearing to determine whether Arnold still desired to prosecute this appeal. At that hearing, Arnold confirmed that he no longer wished to pursue this appeal. We reinstated the appeal upon receipt of the record from the abatement hearing. Arnold then filed with this court a motion to withdraw the appeal in which he reiterated his desire not to continue with the appeal. *See* Tex. R. App. P. 42.2(a) (providing that appellate court may dismiss an appeal upon appellant's written motion any time before handing down its opinion).

In light of this and because we have not yet decided the appeal, we grant Arnold's motion and dismiss this appeal. *See* Tex. R. App. P. 42.2(a), 43.2(f).

/s/ Brian Walker

Brian Walker
Justice

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Tex. R. App. P. 47.2(b)

Delivered: September 28, 2023