

NO. 07-03-0172-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL E  
JUNE 9, 2003

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JIMMY BARELA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE 320TH DISTRICT COURT OF POTTER COUNTY;  
NO. 45,848-D; HON. DON EMERSON, PRESIDING

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Before QUINN and REAVIS, JJ., and BOYD, S.J.<sup>1</sup>

Appellant Jimmy Barela, by and through his attorney, has filed a motion to dismiss this appeal because he no longer desires to prosecute it. The cause was previously abated; we now reinstate it. Without passing on the merits of the case, we grant the motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1(a)(2) and dismiss the appeal. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Do not publish.

Brian Quinn  
Justice

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<sup>1</sup>John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov't Code Ann. §75.002(a)(1) (Vernon Supp. 2003).