

NO. 07-03-0392-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
DECEMBER 8, 2003

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RAUL HERRERA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE 242ND DISTRICT COURT OF CASTRO COUNTY;  
NO. B2830-0207; HON. ED SELF, PRESIDING

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***Order of Dismissal***

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Before JOHNSON, C.J., and QUINN and REAVIS, JJ.

Pending before the court is the appeal of Raul Herrera (appellant). We abated the matter to the trial court on November 12, 2003, because appellant's brief was past due, and neither the brief nor an extension of time to file the brief had been filed. At the hearing convened by the trial court per our directive, appellant informed the trial court that he no longer cared to prosecute his appeal. This representation was included in a motion to dismiss signed by both appellant and his attorney and filed with the trial court (though the

motion was directed to the court of appeals). The motion was included in a supplemental clerk's record filed with this court. The trial court also memorialized appellant's decision to forego appeal in its findings of fact and conclusions of law which were included in the supplemental clerk's record and received on December 5, 2003.

Because appellant has clearly revealed his desire to forego appeal, we grant his motion and dismiss the appeal. Having dismissed the appeal on appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn  
Justice

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