

NO. 07-05-0032-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL E  
MARCH 7, 2005

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GREGG McCAIN, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 64TH DISTRICT COURT OF HALE COUNTY;  
NO. A15819-0412; HONORABLE ROBERT W. KINKAID, JR., JUDGE

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

**MEMORANDUM OPINION**

Pending before this Court is appellant Gregg McCain's request to withdraw his notice of appeal as premature and dismiss the appeal pending a ruling on his motion for

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<sup>1</sup>John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

new trial. As required by Rule 42.2(a) of the Texas Rules of Appellate Procedure, appellant has personally signed the withdrawal. Counsel for appellant has also signed the document.

Accordingly, the appeal is dismissed.

Don H. Reavis  
Justice