

NO. 07-05-0215-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
SEPTEMBER 1, 2005

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BENITO MENDOZA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE COUNTY COURT AT LAW NO. 2 OF LUBBOCK COUNTY;  
NO. 2004-490869; HON. DRUE FARMER, PRESIDING

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***ON MOTION TO DISMISS***

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

Appellant Benito Mendoza, by and through his attorney, has filed a motion to dismiss this appeal because he no longer desires to prosecute it. Without passing on the merits of the case, we grant the motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.2(a) 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.

Brian Quinn  
Chief Justice

Do not publish.