

NO. 07-08-0341-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
MARCH 5, 2009

BOBBY TOBIAS, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 137TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2007-418,384; HON. CECIL G. PURYEAR, PRESIDING

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

On Motion to Dismiss

Appellant, Bobby Tobias, filed Notice of Appeal to appeal a judgment of conviction of two counts of aggravated sexual assault and resulting sentence entered against him in the 137th District Court of Lubbock County, Texas. However, appellant has now filed a motion to dismiss his appeal.

Because the motion meets the requirements of Texas Rule of Appellate Procedure 42.2(a) and this Court has not delivered its decision prior to receiving it, the motion is

hereby granted and the appeal is dismissed. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained and our mandate will issue.

Mackey K. Hancock
Justice

Do not publish.