



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-12-00237-CR

NEIL DECORDOVA GAYLE, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 100th District Court
Carson County, Texas
Trial Court No. 5109, Honorable Stuart Messer, Presiding

May 14, 2013

ON MOTION TO DISMISS

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

Appellant Neil Decordova Gayle requests voluntary dismissal of his appeal pursuant to appellate rule 42.2. Tex. R. App. P. 42.2(a). Appellant's initial motion for dismissal did not comply with the requirements of rule 42.2(a). We abated and remanded the case to the trial court for its determination whether appellant wishes to pursue the appeal. The trial court has caused a reporter's record of a May 1, 2013 hearing to be filed. That record reflects the trial court's finding that appellant does not wish to pursue the appeal. A letter from appellant to this Court's clerk, and a further

motion filed in the trial court by counsel, also each indicate appellant no longer wishes to pursue an appeal. We therefore dissolve the abatement and reinstate the case. No opinion on the merits of the appeal has been issued. Tex. R. App. P. 42.2(b). Appellant's request for voluntary dismissal is granted and the appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith.

James T. Campbell
Justice

Do not publish.