



**IN THE
TENTH COURT OF APPEALS**

No. 10-12-00307-CR

HEIDI MEIERS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 18th District Court
Johnson County, Texas
Trial Court No. F35146**

MEMORANDUM OPINION

Heidi Meiers was convicted of criminal non-support. TEX. PENAL CODE ANN. § 25.05 (West 2011). We have abated this appeal twice, most recently on May 23, 2013 for the trial court to determine how to proceed with reference to representation in this proceeding because Meiers notified this Court that she fired her court appointed attorney and because her appellate brief was past due.

We received the reporter's record of a hearing held by the trial court on June 6, 2013 in response to our abatement order. At that hearing, Meiers indicated that she

wanted to withdraw her notice of appeal. Meiers was then given time at the end of the hearing to write a statement indicating her wish to withdraw her notice of appeal which, according to her counsel, would be attached to his motion to dismiss the appeal filed with this Court. We have now received a motion to dismiss with an attached signed statement by Meiers indicating she no longer wishes to pursue her appeal.

This appeal is reinstated. We invoke Rule 2 to suspend the requirement in Rule 42.2(a) that the defendant sign the motion. *See* TEX. R. APP. P. 2, 42.2(a); *Hendrix v. State*, 86 S.W.3d 762, 762 & n.1 (Tex. App.—Waco 2002, no pet.). Meiers has clearly stated her desire to dismiss her appeal both on the record and in her written and signed statement attached to the motion to dismiss. Accordingly, this appeal is dismissed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed July 11, 2013
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