



IN THE
TENTH COURT OF APPEALS

No. 10-18-00067-CR

LEXINGTON LAINE MCFARLAND,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the County Court at Law No. 2
McLennan County, Texas
Trial Court No. 20170032CR2

MEMORANDUM OPINION

Appellant, Lexington Laine McFarland, was convicted of driving while intoxicated. *See* TEX. PENAL CODE ANN. § 49.04 (West 2011). The Clerk's record reflected that appellant was represented by counsel at trial but that trial counsel was permitted to withdraw from representing appellant. By Order issued May 2, 2018, this appeal was abated until July 31, 2018 to give the trial court time to hold a hearing to determine whether 1) appellant is indigent; 2) the court will appoint new counsel for appellant; or 3) appellant will hire new counsel or represent herself on appeal. *See* TEX. CODE CRIM.

PROC. ANN. arts. 1.051, 26.04 (West 2005 & 2009). The appeal was ordered to be automatically reinstated on August 1, 2018 unless reinstated earlier by order of the Court.

We received and filed a supplemental clerk's record on July 11, 2018 which contains an affidavit from appellant, signed and sworn to by appellant on July 3, 2018, expressing her desire not to pursue her appeal. The trial court issued an order on July 11, 2018 finding appellant voluntarily, intelligently, and knowingly sought to withdraw her request for an appeal and that the withdrawal should be granted.

Accordingly, after considering appellant's affidavit and the trial court's order, we reinstate the appeal, grant appellant's request, and dismiss this appeal. *See* TEX. R. APP. P. 42.2(a).

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal reinstated and dismissed
Opinion delivered and filed July 18, 2018
Do not publish
[CR25]

