



**NUMBER 13-08-00331-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**GLORIA ANN GARCIA,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 105th District Court of Kleberg County, Texas.**

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**MEMORANDUM OPINION**

**Before Chief Justice Valdez and Justices Yañez and Benavides  
Memorandum Opinion Per Curiam**

Appellant, Gloria Ann Garcia, was convicted of possession of a controlled substance. On May 22, 2008, appellant filed a pro se notice of appeal. On August 11, 2008, appointed counsel informed this Court that he would be filing a motion to dismiss. On March 26, 2009, this Court abated the appeal because of counsel's failure to either file a motion to dismiss or make appropriate arrangements with the reporter for preparation of the reporter's record and instructed the trial court to make findings as to whether the

appellant had abandoned her appeal.

Based on the trial court hearing, the trial court judge found that appellant has abandoned her appeal. The court further found that on January 15, 2009 the trial court entered a Judgment Nunc Pro Tunc granting additional credit to appellant for time she spent in Kleberg County Jail in this cause and that appellant only wanted to correct this mistake and did not wish to appeal the judgment in this cause.

Although no written motion has been filed in compliance with Rule 42.2(a) of the Texas Rules of Appellate Procedure, based upon the evidence at the hearing that appellant does not want to continue her appeal, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case. See TEX. R. APP. P. 2. Accordingly, we dismiss the appeal.

PER CURIAM

Do not publish. See TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered and  
filed this 25th day of June, 2009.