



NUMBER 13-09-00071-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

THE STATE OF TEXAS,

Appellant,

v.

GORDON GRAVES,

Appellee.

**On appeal from the 214th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Yañez, Benavides, and Vela
Memorandum Opinion Per Curiam**

This appeal was abated by this Court on August 14, 2009, on the State's "Joint Motion to Abate and Remand for Plea Negotiations." This cause is now before the Court because the State, by and through its Criminal Assistant District Attorney, the Honorable Michelle C. Hayes, has filed a motion for dismissal of its appeal pursuant to Rule 42.2 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 42.2(a). Accordingly, this

case is hereby REINSTATED. No decision of this Court having been delivered to date, we grant the motion and dismiss the appeal. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Do not publish.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

Memorandum Opinion delivered and
filed this 1st day of October, 2009.