



NUMBER 13-09-00362-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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ANTONIO GALLEGOS MORALES,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

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On appeal from the 138th District Court  
of Cameron County, Texas.

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## MEMORANDUM OPINION

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

Appellant, Antonio Gallegos Morales, was convicted of possession of marijuana. On June 11, 2009, appellant filed a notice of appeal by and through his appointed counsel. Appellant's counsel has filed an amended motion to dismiss the appeal. According to the motion, appellant does not desire to prosecute the appeal and was concerned about a possible retrial and increased sentence. Before appellant was able

to sign a motion to dismiss the appeal, appellant was paroled and deported to Mexico. Counsel can no longer locate appellant.

Although no written motion has been filed in compliance with Rule 42.2(a) of the Texas Rules of Appellate Procedure, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case in accordance with Rule 2. See TEX. R. APP. P. 2. Based upon counsel's sworn statements, counsel's motion is granted and the appeal is DISMISSED.

PER CURIAM

Do not publish.  
TEX. R. APP. P. 47.2(b).  
Delivered and filed the  
15th day of July, 2010.