



NUMBER 13-10-00186-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

LEONARD WAYNE WHITE,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 252nd District Court
of Jefferson County, Texas.**

MEMORANDUM OPINION

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

Appellant, Leonard Wayne White, was convicted of injury to a child, elderly or disabled individual. On March 22, 2010, appellant filed a notice of appeal by and through his appointed counsel. Appellant's counsel has filed a motion to dismiss the appeal. According to the motion, appellant has been reinstated on probation and no longer desires to appeal. Counsel has tried several times to get appellant to sign the

motion to dismiss, but appellant has failed to keep his appointments. Counsel states that appellant is not concerned about his appeal because his sentence was reconsidered by the judge and he was placed back on probation.

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Do not publish.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
5th day of August, 2010.