



**NUMBER 13-20-00478-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI – EDINBURG**

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**JAKE CISNEROS,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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

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**MEMORANDUM OPINION**

**Before Justices Benavides, Longoria, and Tijerina  
Memorandum Opinion by Justice Benavides**

This cause is before the Court on appellant's motion to withdraw his appeal which we now construe as a motion to dismiss, as contemplated by Texas Rule of Appellate Procedure 42.2(a). See TEX. R. APP. P. 42.2(a).

On December 23, 2020, this matter was abated to the trial court to determine

whether appellant had a right to appeal. On March 15, 2021, and June 21, 2021, this Court issued supplemental orders of abatement requesting the trial court to determine whether appellant had abandoned the appeal.

Appellant's counsel subsequently filed appellant's motion to dismiss with an attached affidavit signed by appellant. In the signed attachment, appellant states that he waives his right to appeal, whether limited or not. We find the motion and attachment together meet the requirement of Texas Rule of Appellate Procedure 42.2(a) that appellant and his attorney must sign a written motion to dismiss the appeal. *See id.*

Accordingly, we hereby reinstate the case, and, without passing on the merits of the case, grant the motion to dismiss and dismiss the appeal.

GINA BENAVIDES  
Justice

Do not publish.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

Delivered and filed on the  
23rd day of September, 2021.