

**NO. 12-09-00296-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*BENJAMIN VASQUEZ,  
APPELLANT*

§

*APPEAL FROM THE 241ST*

*V.*

§

*JUDICIAL DISTRICT COURT OF*

*THE STATE OF TEXAS,  
APPELLEE*

§

*SMITH COUNTY, TEXAS*

---

---

***MEMORANDUM OPINION  
PER CURIAM***

Prior to commencement of oral argument, counsel for Appellant and counsel for the State filed two agreed motions. One motion requested the withdrawal of Appellant's notice of appeal, and the other requested that the trial court's judgment be reversed without regard to the merits and the case remanded to the trial court. At oral argument, the court announced that Appellant's motion to withdraw his notice of appeal was granted and that the remaining motion was moot.

Because Appellant's motion to withdraw his notice of appeal has been granted, the appeal is *dismissed*. All pending motions are overruled as moot.

Opinion delivered February 18, 2011.

*Panel consisted of Worthen, C.J., Griffith, J. and Hoyle, J.*

(DO NOT PUBLISH)