

**NO. 12-13-00115-CR**  
**IN THE COURT OF APPEALS**  
**TWELFTH COURT OF APPEALS DISTRICT**  
**TYLER, TEXAS**

*CHARLES MCDONALD,*  
*APPELLANT*

§

*APPEAL FROM THE 2ND*

*V.*

§

*JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,*  
*APPELLEE*

§

*CHEROKEE COUNTY, TEXAS*

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***MEMORANDUM OPINION***  
***PER CURIAM***

Appellant has filed a “Notice of Voluntary Dismissal [of] Appeal” in which he requests that this appeal be dismissed. The notice is signed by Appellant and his counsel.

We construe Appellant’s “Notice of Voluntary Dismissal [of] Appeal” as a motion to dismiss the appeal. No decision has been delivered in the appeal. Therefore, Appellant’s motion is granted, and the appeal is *dismissed*. See TEX. R. APP. P. 42.2(a).

Opinion delivered April 30, 2013.

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

(DO NOT PUBLISH)



**COURT OF APPEALS  
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS  
JUDGMENT**

**APRIL 30, 2013**

**NO. 12-13-00115-CR**

**CHARLES MCDONALD,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the 2nd Judicial District Court  
of Cherokee County, Texas. (Tr.Ct.No. 15,832)

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THIS CAUSE came on to be heard on the motion of the Appellant to dismiss the appeal herein, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion be granted and the appeal be **dismissed**, and that this decision be certified to the court below for observance.

By *per curiam* opinion.

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