

COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

MARCO ANTONIO DIAZ,	§	No. 08-12-00108-CR
Appellant,	§	Appeal from the
v.	§	120th District Court
THE STATE OF TEXAS,	§	of El Paso County, Texas
Appellee.	§	(TC#20110D02363)
	§	

MEMORANDUM OPINION

Pending before the Court are Appellant's timely filed motion for rehearing and Appellant's supplement to the motion for rehearing or, alternatively, amendment to the motion for rehearing and leave to file said amendment. TEX. R. APP. P. 49.1, 49.6. Because Appellant has demonstrated that he timely filed a *pro se* notice of appeal, we grant the motion for rehearing, grant Appellant leave to file the amendment to the motion for rehearing, withdraw our opinion and judgment issued on April 25, 2012, dismissing Appellant's appeal, and substitute this opinion in its place. TEX. R. APP. P. 26.2.

The appeal will proceed. For good cause, we suspend Rule 35.2 and direct that the reporter's record must be filed in this Court within sixty days after this opinion issues. TEX. R. APP. P. 2, 35.2. The provisions of Rule 38.6 will thereafter govern the filing of briefs. TEX. R. APP. P. 38.6.

GUADALUPE RIVERA, Justice

May 23, 2012

Before McClure, C.J., Rivera, J., and Antcliff, J.

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