

Opinion filed August 22, 2019



In The

Eleventh Court of Appeals

No. 11-19-00129-CR

CHRISTINA MARIE HAYNES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 29th District Court
Palo Pinto County, Texas
Trial Court Cause No. 16011**

MEMORANDUM OPINION

Christina Marie Haynes entered an open plea of guilty to the offense of assault on a public servant. The trial court convicted Haynes and assessed her punishment at confinement for five years and a fine of \$2,000. Haynes's court-appointed attorney on appeal filed in this court a motion to dismiss this appeal. Counsel had been informed that Haynes no longer desired to prosecute this appeal, but counsel was unable to get Haynes to return a signed copy of the motion to dismiss. Because

the motion was signed by Haynes’s counsel but not by Haynes, we abated the appeal so that the trial court could make a determination as to whether Haynes desired to prosecute the appeal in this cause.

The trial court conducted a hearing at which Haynes participated by telephone. At the hearing, the trial court explained the situation to Haynes and asked Haynes if she desired to continue with the appeal. Haynes informed the trial court that she did not wish to continue with the appeal. Accordingly, the trial court found that Haynes “no longer desires to pursue her appeal.” That finding is supported by the record from the hearing.

In accordance with Haynes’s wishes, we dismiss the appeal.

PER CURIAM

August 22, 2019

Do not publish.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

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.