

Opinion issued November 20, 2008



In The
Court of Appeals
For The
First District of Texas

NOS. 01-06-01171-CR
01-06-01172-CR
01-06-01173-CR

MATTHEW THOMAS GARRETT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 239th District Court
Brazoria County, Texas
Trial Court Cause Nos. 42960, 42961 and 42962**

MEMORANDUM OPINION

On August 28, 2008, we abated the above-referenced cases and ordered a hearing in the trial court. Among the issues the trial judge was to consider was whether appellant desired to prosecute these appeals. The trial court conducted a hearing on September 25, 2008, and a reporter's record of that hearing has been filed with the Clerk of this Court. During the hearing, appellant stated to the Court that he did not wish to pursue his appeals, and the trial court made a finding that "Mr. Garrett does not want to proceed with his appeals in cause numbers 01-06-01171-CR, 01-06-01172-CR, and 01-06-01173-CR." We **order** the appeals reinstated.

On September 2, 2008, appellant filed with the Clerk of this Court a written motion to dismiss the appeals in cause numbers 01-06-01171-CR and 01-06-01172-CR. The motion complies with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.2(a). The motion is granted.

We note that the record before this Court does not include a written motion to dismiss appellate cause number 01-06-01173-CR. However, given appellant's expressed desire to forego pursuit of all of three of his appeals, we conclude that good cause exists to suspend the operation of Rule 42.2(a), in accordance with Rule 2. *See* TEX. R. APP. P. 2.

We have not yet issued a decision in these cases. Accordingly, we dismiss the appeals in cause numbers 01-06-01171-CR, 01-06-01172-CR and 01-06-01173-CR.

The Clerk of this Court is directed to issue the mandates. TEX. R. APP. P. 18.1.

PER CURIAM

Panel consists of Chief Justice Radack, and Justices Nuchia and Higley.

Do not publish.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