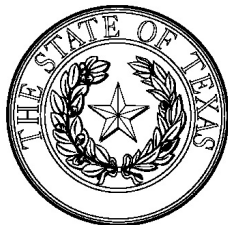


Opinion issued October 30, 2008



In The
Court of Appeals
For The
First District of Texas

NO. 01-08-00751-CR

LEE EDWARD RICHMOND, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from County Criminal Court at Law No. 13
Harris County, Texas
Trial Court Cause No. 1522609**

MEMORANDUM OPINION

A hearing was conducted in the trial court on October 2, 2008, and a supplemental record of those proceedings has been filed with the Clerk of this Court. Appellant, Lee Edward Richmond, was present for the hearing. At the hearing, appellant stated that he wished to withdraw this appeal.

Appellant has not filed a written motion to withdraw the appeal. *See* TEX. R. APP. P. 42.2(a). However, given appellant's expressed desire to forego pursuit of his appeal, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case in accordance with Rule 2. *See* TEX. R. APP. P. 2. We have not yet issued a decision. Accordingly, the appeal is dismissed.

The clerk of this Court is directed to issue the mandate. 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Do not publish.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).