

**Opinion issued December 18, 2008**



**In The  
Court of Appeals  
For The  
First District of Texas**

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**NO. 01-08-00874-CR**

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**DAVID BUSTOS, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 262nd District Court  
Harris County, Texas  
Trial Court Cause No. 1167478**

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**MEMORANDUM OPINION**

On November 5, 2008, appellant<sup>1</sup> filed a motion to dismiss the above-

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<sup>1</sup> Jerri Yenne, Criminal District Attorney, Brazoria County, Texas

referenced appeal. The motion complies with the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 42.2(a).

We have not yet issued a decision. Accordingly, the motion is **granted** and 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Do not publish.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).