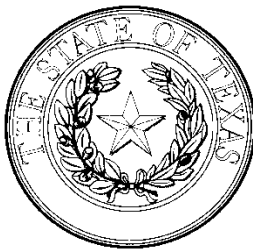


Opinion issued October 25, 2012



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

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NO. 01-11-00743-CR

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**LONNIE WEBSTER ROBERTSON, JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court  
Chambers County, Texas  
Trial Court Cause No. 26786**

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**MEMORANDUM OPINION**

A jury convicted appellant of the offense of assault with bodily injury and assessed punishment of confinement for 270 days. Appellant, proceeding pro se, timely appealed. The court reporter has informed the Court that appellant has

neither paid nor made arrangements to pay the fee for preparing the reporter's record. *See* TEX. R. APP. P. 37.3(c).

On June 22, 2012, the Court abated the appeal and remanded the case to the trial court for a hearing to determine whether appellant desires to pursue the appeal and, if so, to determine whether appellant is indigent and whether appellate counsel should be appointed. The trial court conducted a hearing and filed findings in this Court.

The trial court found that, although appellant had been served with notice, he did not appear at the hearing. Appellant's appointed trial counsel and the State's attorney appeared. The trial court found that, on or about July 28, 2011, it had received testimony from appellant that he had the financial ability to retain counsel, but that appellant had not retained counsel. The trial court found that appellant "does not wish to prosecute the appeal."

In addition, appellant's appointed trial counsel filed an affidavit in this Court, stating that he has spoken with appellant and that appellant does not wish to pay for a reporter's record or pursue the appeal.

Appellant has not filed a written motion to dismiss the appeal. *See* TEX. R. APP. P. 42.2(a). However, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case. *See* TEX. R. APP. P. 2, 42.2(a).

Accordingly, we reinstate and dismiss the appeal. We dismiss all other pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Bland and Huddle.

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