

Opinion issued November 26, 2013



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

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NO. 01-13-00436-CR  
NO. 01-13-00437-CR

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**BARRY LEWIS ANDREWS, Appellant**  
V.  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 263rd District Court  
Harris County, Texas  
Trial Court Case Nos. 1339349, 1339350**

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**MEMORANDUM OPINION**

Appellant, Barry Lewis Andrews, has filed a pro se notarized “Request to Withdraw Appeal,” stating that he “do[es] not wish to further prosecute this appeal and request[ing] that the notice of appeal be withdrawn.” Further, in a hearing

before the trial court on November 6, 2013, appellant stated on the record in open court that he wished for his appeal to be dismissed.

The Court construes the document filed by appellant as a motion to dismiss the appeal. Although appellant's motion to dismiss is only signed by appellant, counsel for appellant previously filed a motion to dismiss appellant's appeal that contained counsel's signature. Thus, construing the two motions together, we find that appellant has complied with Texas Rule of Appellate Procedure 42.2(a). *See* TEX. R. APP. P. 42.2(a). We have not issued a decision in the appeal.

Accordingly, we lift the abatement ordered by this Court on October 31, 2013, reinstate the appeal, and dismiss the appeal. *See* TEX. R. APP. P. 43.2(f). To the extent that appellant requests in his motion to dismiss that this Court transfer appellant to the Texas Department of Corrections, this request is denied. We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Justices Keyes, Higley, and Massengale.

Do not publish.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