

Dismissed and Memorandum Opinion filed January 21, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-01038-CR

THE STATE OF TEXAS, Appellant

V.

PENNY RAE SAGE, Appellee

**On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Cause No. 47,522A**

MEMORANDUM OPINION

A written request to withdraw the notice of appeal, signed by appellant's counsel, has been filed with this Court. *See* Tex. R. App. P. 42.2. Because this court has not issued an opinion, we grant appellant's request.

Accordingly, we order the appeal dismissed. We direct the Clerk of the court to issue the mandate of the court immediately.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.

Do not publish — Tex. R. App. P. 47.2(b).