

Dismissed and Memorandum Opinion filed February 3, 2011.



In The

Fourteenth Court of Appeals

NO. 14-10-00409-CR

JON KEVIN FITZGERALD, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 1194197**

MEMORANDUM OPINION

A jury convicted appellant of official oppression. On April 28, 2010, the trial court sentenced appellant to confinement for one year in the Harris County Jail. Appellant filed a timely notice of appeal.

On November 4, 2010, this Court ordered a hearing to determine why appellant had not filed a brief in this appeal. *See* Tex. R. App. P. 38.8(b). On January 21, 2011, the trial court conducted the hearing. The record of the hearing was filed in this court on January 24, 2011.

At the hearing, appellant testified that he no longer wished to pursue his appeal and asked that his notice of appeal be withdrawn. *See* Tex. R. App. P. 42.2. For good cause, we consider appellant's request made on the record at the hearing below without requiring appellant to file a written motion. *See* Tex. R. App. P. 2. Because this Court has not delivered 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 Anderson, Seymore and McCally.
Do Not Publish — Tex. R. App. P. 47.2(b).