

Appeal Reinstated, Motion Granted, Appeal Dismissed, and Memorandum Opinion filed March 15, 2011.



In The

Fourteenth Court of Appeals

NO. 14-10-01063-CR

THERESA HANCOCK, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 23rd District Court
Brazoria County, Texas
Trial Court Cause No. 60,612**

MEMORANDUM OPINION

On December 13, 2010, appellant's counsel filed a motion to dismiss this appeal. The motion did not comply with Texas Rule of Appellate Procedure 42.2(a) in that it was not signed by appellant. *See* Tex. R. App. P. 42.2. The court's attempt to contact counsel by phone to remedy the defect was unsuccessful. On December 14, 2010, the court sent a letter to counsel advising her of the defect in the motion and requesting that she file an amended or supplemental motion. No response was filed.

Accordingly, on January 11, 2011, this court abated the appeal for the trial court to conduct a hearing to determine whether appellant desires to prosecute her appeal. On March 7, 2011, a supplemental clerk's record was filed containing appellant's signature joining the motion to dismiss the appeal. Because this court has not issued an opinion, we reinstate the appeal and 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Do not publish — Tex.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).