

Dismissed and Memorandum Opinion filed March 3, 2015.



In The

Fourteenth Court of Appeals

NO. 14-14-00179-CR

MATTHEW JOSEPH OLIVEIRA, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 7
Harris County, Texas
Trial Court Cause No. 1934280**

M E M O R A N D U M O P I N I O N

After a jury trial, appellant was convicted in the Justice Court of Harris County of speeding. The jury assessed a \$200 fine. Appellant appealed his conviction to the County Criminal Court at Law. Appellant signed a voluntary waiver of counsel and waiver of jury trial in the County Criminal Court at Law. After a bench trial, the trial court found appellant guilty of speeding and assessed a \$200 fine. Appellant filed a pro se notice of appeal.

Appellant is not represented by counsel. The reporter's record from the bench trial was originally due April 25, 2014. The court reporter responsible for preparation of the record informed this court that appellant did not pay for the record. The trial court held a hearing at the direction of this court to determine why appellant had not paid for the record. Despite having received notice from the court coordinator, appellant failed to appear at the hearing scheduled December 1, 2014. The trial court filed findings of fact and conclusions of law in which the court found that appellant was notified that the hearing was scheduled December 1, 2014, but failed to appear. The trial court concluded that appellant abandoned his appeal.

Appellant has not filed a written motion to withdraw the appeal or a written motion to dismiss the appeal. *See* Tex. R. App. P. 42.2. However, based upon the trial court's finding that appellant abandoned his appeal, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case. *See* Tex. R. App. P. 2.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Christopher, Donovan, and Wise.

Do Not Publish — Tex. R. App. P. 47.2(b).