

**Motion Granted; Appeal Dismissed and Memorandum Opinion filed August 23, 2018.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-18-00389-CV**

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**IN THE INTEREST OF M.R, A CHILD**

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**On Appeal from the 314th District Court  
Harris County, Texas  
Trial Court Cause No. 2016-04856J**

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

This is an appeal from a final decree terminating the parental rights of C.A.R. (Mother) to her child, M.R. The child's grandmother, A.R. (Grandmother), filed a petition in intervention in the trial court and a notice of appeal from the termination decree.

On May 22, 2018, this court ordered a hearing to determine whether Mother and/or Grandmother desire to pursue an appeal, and, if so, whether Mother and/or Grandmother was indigent and, thus entitled to appointed counsel on appeal. On

June 5, 2018, the trial court held a hearing, determined that Mother's affidavit of relinquishment was involuntary, and granted Mother a new trial. The trial court further found that Mother was indigent and entitled to appointed counsel. On June 29, 2018, Mother's appointed counsel filed a motion to extend time to file a brief stating that the record was unclear as to whether the trial court granted a new trial as to both Mother and Grandmother. This court granted counsel's motion for an extension to file the brief through July 27, 2018. No brief was filed by the stated deadline.

On July 31, 2018, this court ordered a hearing to determine the reason for the failure to file a brief, and whether Mother and/or Grandmother desired to continue the appeal. At the hearing, Mother's counsel stated that he had spoken with Mother and, in light of the new trial, Mother no longer wished to pursue her appeal. Mother's counsel represented that any appeal by Mother or Grandmother, in light of the new trial, was premature.

On August 17, 2018, Mother filed a voluntary motion to dismiss the appeal. *See* Tex. R. App. P. 42.1(a)(1). The motion is granted. Grandmother has not filed a written motion to dismiss the appeal. However, based on counsel's representation at the hearing that neither Mother nor Grandmother wishes to continue the appeal, we dismiss the appeal.

PER CURIAM

Panel consists of Chief Justice Frost and Justices Donovan and Brown.