

Motion granted, appeal dismissed, and Memorandum Opinion filed August 29, 2023.



In The

Fourteenth Court of Appeals

NO. 14-23-00596-CR

DARIAS DENERE ADKINS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 405th District Court
Galveston County, Texas
Trial Court Cause No. 22-CR-2015**

MEMORANDUM OPINION

On July 11, 2023, a notice of appeal was filed with the trial court in this matter. On August 23, 2023, appellant's counsel filed a motion to withdraw the notice of appeal. The motion reflects that appellant communicated to his counsel that he did not want to pursue this appeal. Moreover, the motion was accompanied by a transcript of a hearing the trial court held on August 3, 2023, which appellant, appellant's counsel, and counsel for the State attended. During the hearing,

appellant repeatedly reaffirmed that he did not want to pursue this appeal.

Appellant has not signed the motion to withdraw the notice of appeal. *See* Tex. R. App. P. 42.2(a). However, based upon the testimony at the hearing that appellant does not want to pursue this 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 grant the motion and dismiss the appeal.

PER CURIAM

Panel consists of Justices Wise, Zimmerer, and Poissant.

Do Not Publish — Tex.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