

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-09-00764-CR

Thomas Eugene **SUDDS**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 274th Judicial District Court, Guadalupe County, Texas  
Trial Court No. 05-1981-CR  
Honorable Gary L. Steel, Judge Presiding

PER CURIAM

Sitting: Karen Angelini, Justice  
Santee Bryan Marion, Justice  
Phylis J. Speedlin, Justice

Delivered and Filed: February 17, 2010

DISMISSED

On January 27, 2010, appellant's court-appointed attorney filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), in which he asserted there are no meritorious issues to raise on appeal. Counsel informed appellant of his right to file his own brief. *Nichols v. State*, 954 S.W.2d 83, 85 (Tex. App.—San Antonio 1997, no pet.); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). On February 1, 2010, we issued an order informing appellant that

if he wished to file a *pro se* brief, he must do so within sixty days. *See Bruns*, 924 S.W.2d at 177 n.1.

In response, appellant has filed a motion to dismiss this appeal. We grant the motion and dismiss this appeal. *See* TEX. R. APP. P. 42.2(a).

PER CURIAM

DO NOT PUBLISH