



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-21-00464-CR

Patricia Dawn **HANVY**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 451st Judicial District Court, Kendall County, Texas
Trial Court No. 18-837-CR
Honorable Kirsten Cohoon, Judge Presiding

PER CURIAM

Sitting: Beth Watkins, Justice
Liza A. Rodriguez, Justice
Lori I. Valenzuela, Justice

Delivered and Filed: May 11, 2022

AFFIRMED

A jury found appellant Patricia Dawn Hanvy guilty of driving while intoxicated. The trial court signed a judgment consistent with the jury's verdict, and appellant timely filed a notice of appeal. Appellant's brief was originally due February 4, 2022 and was not filed. We notified appellant of the deficiency on February 17, 2022. *See* TEX. R. APP. P. 38.8(b)(2). In that notice, we cautioned appellant that if we did not receive an adequate response by February 28, 2022, we would abate this appeal to the trial court for an abandonment hearing. *See id.* Neither the brief nor a motion for extension of time to file the brief was filed.

On March 15, 2022, we ordered the appeal abated for an abandonment hearing. *See id.* The trial court held a hearing on April 8, 2022, and appellant appeared. The record of that hearing shows that upon questioning by the trial court, appellant testified she no longer wished to pursue this appeal. Appellant also filed an affidavit to that effect. The trial court signed findings of fact and conclusions of law finding, inter alia, that appellant had voluntarily abandoned the appeal.

We may consider an appeal without briefs if the trial court has found that the appellant no longer desires to pursue the appeal. *See id.* R. 38.8(b)(4). After reviewing the original and supplemental clerk's and reporter's records, we find no unassigned fundamental error. *See Jaimes v. State*, No. 04-04-00525-CR, 2005 WL 50115, at *1 (Tex. App.—San Antonio Jan. 12, 2005, no pet.) (not designated for publication). We therefore reinstate the appeal and affirm the trial court's judgment.

PER CURIAM

DO NOT PUBLISH