

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00367-CR

RICHARD GERARD KIMBALL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 75396**

MEMORANDUM OPINION

We have before the Court a motion from the appellant, Richard Kimball, to dismiss his appeal pursuant to TEX. R. APP. P. 42.2. The motion is signed by appellant personally after counsel filed a brief which certifies that counsel could find no arguable error upon which to base an appeal. We therefore treat the motion to withdraw the appeal as agreed to by counsel. *See* TEX. R. APP. P. 2, 42.2. No opinion has issued in this appeal.

It is ORDERED that the motion to withdraw the notice of appeal is GRANTED, and the appeal is therefore DISMISSED. The Clerk of the Court shall forward a duplicate copy of this opinion to the clerk of the court in which the notice of appeal was filed.

APPEAL DISMISSED.

CHARLES KREGER
Justice

Opinion Delivered November 12, 2009
Do not publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.