

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00545-CV
NO. 09-13-00546-CV
NO. 09-13-00547-CV
NO. 09-13-00548-CV

TOMMIE ALLEN RINGO, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 1A District Court
Jasper County, Texas
Trial Cause Nos. 33434, 33437, 33440, and 33441

MEMORANDUM OPINION

On September 27, 2013, the trial court signed orders granting Tommie Allen Ringo's petitions for expunction in case numbers 33434, 33437, 33440, and 33441. We remanded the appeals to the trial court for a determination of the date on which the appellant received notice that the orders had been signed. *See* Tex. R. Civ. P. 306a(5), Tex. R. App. P. 4.2(c). Ringo appeared at the hearing through telephonic

transmission. During the hearing, Ringo stated that he did not wish to pursue his appeals in these four cases. The trial court found that Ringo first received notice that the orders had been signed on November 15, 2013, more than twenty days after the notice period; that Ringo filed notices of appeal sixty-six days after the orders were signed; that Ringo does not desire to pursue his appeals; and that no other party filed a notice of appeal in case numbers 33434, 33437, 33440, and 33441. The appellate records have been supplemented with a transcript of the hearing and the trial court's findings.

Because the appellant stated in open court that he did not wish to pursue his appeals, we apply Rule 2 to suspend the requirement of the filing of a written motion to dismiss the appeals, and accept the appellant's testimony before the trial court as a motion for voluntary dismissal of the appeals. *See* Tex. R. App. P. 2, 42.1(a); *see also* *Livesay v. Wellogix, Inc.*, No. 01-02-01138-CV, 2003 WL 139730, at *1 (Tex. App.—Houston [1st Dist.] Jan. 9 2003, no pet.) (mem. op.) (accepting correspondence regarding settlement and proposed order from appellee as a motion for voluntary dismissal under Rule 42.1(a)(1)). No other party filed a notice of appeal in trial court case numbers 33434, 33437, 33440, and 33441. We dismiss the appeals.

APPEALS DISMISSED.

STEVE McKEITHEN
Chief Justice

Opinion Delivered March 27, 2014

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