

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00092-CR

ZACHARY LABARGE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 356th District Court
Hardin County, Texas
Trial Cause No. 25468**

MEMORANDUM OPINION

Zachary Labarge filed a pro se notice of appeal from the trial court's judgment and community supervision order in Trial Cause Number 25468. The District Clerk notified this Court that Labarge did not pay for the clerk's record. This Court abated Zachary Labarge's appeal and remanded the case to the trial court for a hearing to determine whether the appellant is indigent and entitled to appointment of counsel and whether the appellate record should be furnished without cost. Labarge personally attended the hearing, after which the trial court ruled that Labarge is not

indigent and signed an order denying Labarge’s request for appointment of counsel and a free record. Upon receiving the record of the indigency hearing, we notified Labarge that a written motion challenging the trial court’s order was due May 25, 2023. Labarge did not challenge the trial court’s order. On July 24, 2023, we received a supplemental clerk’s record that includes Labarge’s personally signed statement, “I Zachary Labarge no longer want to proceed with the appeal process and move forward with my original probation sentence.”

Appellant’s written and personally signed statement that he no longer wants to proceed with his appeal constitutes good cause to suspend the operation of Rule 42.2(a) in accordance with Rule 2. *See* Tex. R. App. P. 2, 42.2(a). The appellant has voluntarily abandoned the appeal. Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 43.2(f).

APPEAL DISMISSED.

PER CURIAM

Submitted on August 29, 2023
Opinion Delivered August 30, 2023
Do Not Publish

Before Golemon, C.J., Johnson and Wright, JJ.