



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-13-00522-CR**

PATRICK EVANS

APPELLANT

V.

THE STATE OF TEXAS

STATE

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FROM CRIMINAL DISTRICT COURT NO. 2 OF TARRANT COUNTY

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**MEMORANDUM OPINION<sup>1</sup>**

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A jury convicted Appellant Patrick Evans of capital murder in 2007, and the conviction was affirmed on appeal in 2009. See *Evans v. State*, No. 08-07-00213-CR, 2009 WL 2462538, at \*11 (Tex. App.—El Paso Aug. 12, 2009, pet. ref'd) (not designated for publication). On October 22, 2013, we received Appellant's pro se "Notice of Appeal of Recent Motions." In response, we sent a

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<sup>1</sup>See Tex. R. App. P. 47.4.

letter to Appellant advising him of our concern that we lacked jurisdiction over this appeal because it appeared he was attempting to appeal a judgment that had already been affirmed once on appeal. Appellant replied with a letter asking to withdraw his notice of appeal, which we construe as a motion to dismiss the appeal. It is the court's opinion that the motion should be granted; therefore we dismiss the appeal. See Tex. R. App. P. 42.2(a), 43.2(f); *Willis v. State*, No. 02-11-00309-CR, 2011 WL 4345301, at \*1 (Tex. App.—Fort Worth Sept. 15, 2011, no pet.) (mem. op., not designated for publication).

PER CURIAM

PANEL: GARDNER, WALKER, and MCCOY, JJ.

DO NOT PUBLISH  
Tex. R. App. P. 47.2(b)

DELIVERED: December 19, 2013