

NO. 07-00-0311-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL A  
NOVEMBER 7, 2001

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JORGE ANTONIO GONZALEZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 262ND DISTRICT COURT OF HARRIS COUNTY;  
NO. 829,236; HONORABLE WILLIAM M. HATTEN, JUDGE

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Before BOYD, C.J., and REAVIS and JOHNSON, JJ.

**DISMISSAL**

Pending before this Court is appellant's *pro se* request to dismiss his appeal. Rule 42.2(a) of the Texas Rules of Appellate Procedure provides that an appeal may be dismissed if appellant withdraws his notice of appeal by his signed motion accompanied by the signature of his attorney. However, Rule 2 of the Texas Rules of Appellate

Procedure grants us the authority to suspend the operation of an existing rule and in its place order a different procedure which addresses unforeseen circumstances. See *Rodriguez v. State*, 970 S.W.2d 133, 135 (Tex.App.--Amarillo 1998, pet. ref'd). An accused has the ultimate authority to make certain fundamental decisions regarding his case, including whether to prosecute an appeal. See *Connors v. State*, 966 S.W.2d 108 (Tex.App.--Houston [1<sup>st</sup> Dist.] 1998, pet. ref'd), citing *Jones v. Barnes*, 463 U.S. 745, 103 S.Ct. 3308, 77 L.Ed.2d 987 (1983). Thus, we suspend the operation of Rule 42.2(a) in this case and dismiss the appeal based upon appellant's clear intent not to pursue his appeal. No decision of this Court having been delivered, we dismiss the appeal and no motion for rehearing will be entertained and our mandate will issue forthwith.

Accordingly, the appeal is dismissed.

Don H. Reavis  
Justice

Do not publish.