

NO. 07-02-0084-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
APRIL 1, 2002

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JEFF VILLARREAL

Appellant

v.

THE STATE OF TEXAS,

Appellee

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FROM THE 140<sup>TH</sup> DISTRICT COURT OF LUBBOCK COUNTY;

NO. 94-418,502; HON. JIM BOB DARNELL, PRESIDING

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***DISMISSAL***

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

Appellant, Jeff Villarreal appeals from a judgment convicting him of attempted robbery and sentencing him to prison for five years. Sentence was pronounced in open court on December 21, 2001. Because a clerk's record had not been timely filed, we remanded the cause to the trial court and instructed the latter to determine, among other things, whether appellant desired to prosecute the appeal.

A motion to dismiss was filed by appellant on March 26, 2002 as a part of a plea bargain in another charge being cause number 2001-437977 in the 140<sup>th</sup> District Court of Lubbock County, Texas.

Without passing on the merits of the case, we grant the motion pursuant to Texas Rule of Appellate Procedure 42.2. Having dismissed the appeal at appellant's personal request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn  
Justice

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