

NO. 07-02-0163-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
DECEMBER 13, 2002

DARRICK WAYNE CARTER, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 248TH DISTRICT COURT OF HARRIS COUNTY;

NO. 899462; HONORABLE JOAN CAMPBELL, JUDGE

Before JOHNSON and REAVIS, JJ., and BOYD, SJ.¹

Upon his plea of guilty, appellant Darrick Wayne Carter was convicted of the felony offense of evading arrest. His punishment, in accordance with a plea bargain, was

¹John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov't Code Ann. §75.002(a)(1) (Vernon Supp. 2002).

assessed at three years confinement in the Institutional Division of the Department of Criminal Justice. Appellant gave timely notice of appeal from the conviction.

On December 6, 2002, we received appellant's motion to withdraw his notice of appeal and dismiss the appeal. His attorney joined in the motion. Because appellant's motion meets all the requirements of Texas Rule of Appellate Procedure 42.2(a), and because this court has not delivered its decision prior to receiving appellant's motion, the motion must be, and is hereby, granted.

Having dismissed the appeal at appellant's request, no motions for rehearing will be entertained and our mandate will issue forthwith.

John T. Boyd
Senior Justice

Do not publish.