

NO. 07-02-0181-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
JULY 23, 2002

JONATHON ANTWAN DONALDSON

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 209TH DISTRICT COURT OF HARRIS COUNTY;

NO. 902,509; HON. MICHAEL MCSPADDEN, PRESIDING

DISMISSAL

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

Appellant, Jonathon Antwon Donaldson, appealed from a judgment under which he was convicted of possession with intent to deliver a controlled substance. The clerk's record has been filed in this cause but the reporter's record has not. Pending before us is appellant's *pro se* request to withdraw his notice of appeal. The request, however, was not signed by him as required by Texas Rule of Appellate Procedure 42.2(a). Accordingly, the case was abated and remanded to the 209th District Court of Harris County (trial court)

to determine if he desired to prosecute the appeal. Thereafter, the trial court conducted the hearing, and we received the court reporter's record of same on July 15, 2002. At the hearing, appellant confirmed his desire to withdraw his notice of appeal.

Accordingly, the cause is reinstated. Without passing on the merits of the case, we dismiss the appeal pursuant to appellant's request. Having so dismissed the appeal, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn
Justice

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