

NO. 07-02-0531-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL E  
APRIL 14, 2003

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BALDEMAR OLIVARES JIMENEZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 251<sup>ST</sup> DISTRICT COURT OF RANDALL COUNTY;

NO. 13,525-C; HONORABLE PATRICK A. PIRTLE, JUDGE

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Before QUINN and REAVIS, JJ., and BOYD, S.J.<sup>1</sup>

On October 22, 2002, appellant Baldemar Olivares Jimenez was found guilty of the offense of delivery of a controlled substance in an amount of four grams or more but less than 200 grams. His punishment was assessed at ten years confinement in the

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<sup>1</sup>John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov't Code Ann. §75.002(a)(1) (Vernon Supp. 2003).

Institutional Division of the Texas Department of Criminal Justice and a fine of \$2,000. He gave timely notice of appeal from his conviction.

We have now received appellant's motion to be allowed to withdraw his notice of appeal and to dismiss the appeal. His attorney has joined in the motion. Because appellant's motion meets all the requirements of Texas Rule of Appellate Procedure 42.2(a) and this court has not delivered its decision prior to receiving appellant's motion, it 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Do not publish.