

NO. 07-03-0550-CR
NO. 07-03-0551-CR

IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL C

SEPTEMBER 2, 2004

SAMUEL BARTHOLOMEW SMIDDY, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 181ST DISTRICT COURT OF RANDALL COUNTY;
NO. 12263-B & 13873-B; HONORABLE JOHN B. BOARD, JUDGE

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

MEMORANDUM OPINION

Pursuant to our order abating these appeals and remanding the causes, the trial court held a hearing to determine whether appellant wished to prosecute his appeals. During the hearing, appellant affirmatively expressed his intention to no longer pursue the

appeals. No decision of this Court having been delivered, we dismiss the appeals. No motions for rehearing will be entertained and our mandates will issue forthwith.¹

Accordingly, the appeals are dismissed.

Don H. Reavis
Justice

Do not publish.

¹We acknowledge that Rule 42.2(a) of the Texas Rules of Appellate Procedure requires a written withdrawal of a notice of appeal to be filed in duplicate in this Court. However, appellant's intention not to pursue his appeals being clear, we apply Rule 2 to suspend the operation of Rule 42.2(a).