

NO. 07-04-0498-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
JANUARY 25, 2005

KENNETH KENNEDY, APPELLANT

V.

V'RHETT WILLIAMS, APPELLEE

FROM THE 72ND DISTRICT COURT OF CROSBY COUNTY;
NO. 5670; HONORABLE J. BLAIR CHERRY, JUDGE

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

MEMORANDUM OPINION

Pending before this Court is appellant Kenneth Kennedy's motion to dismiss in which he represents he no longer wishes to pursue this appeal. By the certificate of conference, Kennedy asserts that appellee V'Rhett Williams agrees to the dismissal. Without passing on the merits of the case, Kennedy's motion is granted and the appeal is dismissed. Tex.

R. App. 42.1(a)(1). As requested, costs are to be assessed against the party incurring same. Having dismissed the appeal at Kennedy's request, no motion for rehearing will be entertained and our mandate will issue forthwith

Don H. Reavis
Justice