

NO. 07-05-0204-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
OCTOBER 26, 2005

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RONALD THOMAS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 64<sup>TH</sup> DISTRICT COURT OF HALE COUNTY;  
NO. A15178-0310; HONORABLE ROBERT W. KINKAID, JR., JUDGE

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

**MEMORANDUM OPINION**

Ronald Thomas brought this appeal from his conviction for possession of a controlled substance. Based on a finding by the trial court that appellant no longer wishes to prosecute the appeal, we will dismiss.

We previously ordered the appeal abated for a hearing, in accordance with Texas Rule of Appellate Procedure 38.8(b), to determine whether appellant desires to prosecute the appeal and, if so, whether he is indigent and entitled to appointed counsel. See Thomas v. State, No. 07-05-0204-CR, 2005 Tex.App. LEXIS 7933, (Tex.App.—Amarillo,

no pet.) In conformity with our September 28, 2005 order, the trial court gave notice of a hearing, which was held on October 12, 2005. Appellant appeared at the hearing. The trial court found that appellant does not wish to proceed with this appeal.

In accordance with the trial court's finding and, without addressing the merits, we dismiss this appeal. TEX. R. APP. P. 38.8(b)(4), 43.2(f).

Mackey K. Hancock  
Justice

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