

NO. 07-05-0219-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
OCTOBER 17, 2005

---

CHRISTOPHER LEE CROSS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

---

FROM THE 64<sup>TH</sup> DISTRICT COURT OF HALE COUNTY;  
NO. B15,360-0402; HON. ROBERT W. KINKAID, JR., PRESIDING

---

***Order of Dismissal***

---

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

Christopher Lee Cross (appellant) appealed from his conviction for possessing a controlled substance. Because appellant had not filed a brief, we abated and remanded the cause to the 64th District Court of Hale County (trial court). The latter convened a hearing attended by appellant and his counsel. At the proceeding, appellant informed the trial court that he no longer cared to prosecute the appeal. The trial court found this

decision to be knowing and voluntary. Furthermore, it along with appellant's representations were memorialized in a supplemental clerk's record filed with this court.

Although we have no motion to dismiss before us as required by Texas Rule of Appellate Procedure 42.2(a), Rule 2 of the same rules permits us to suspend the operation of an existing rule. TEX. R. APP. P. 2; see *Rodriguez v. State*, 970 S.W.2d 133, 135 (Tex. App.—Amarillo 1998, pet. ref'd). Therefore, pursuant to Rule 2, and because appellant has clearly revealed his desire to forego appeal, we suspend Rule 42.2(a) and dismiss the appeal based upon appellant's representation to the trial court.

Having so dismissed the appeal, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn  
Chief Justice

Do not publish.