

NO. 07-05-0405-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
APRIL 19, 2006

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ROGER DOUGLAS PHELPS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 367<sup>TH</sup> DISTRICT COURT OF DENTON COUNTY;

NO. F-2004-1887-E; HONORABLE LEE GABRIEL, JUDGE

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

**MEMORANDUM OPINION**

Pending before this Court is appellant's motion to dismiss his appeal. Appellant and his attorney both have signed the document stating that appellant withdraws his appeal. Tex. R. App. P. 42.2(a). No decision of this Court having been delivered to date, we grant the motion. Accordingly, the appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith.

James T. Campbell  
Justice

Do not publish.