

NO. 07-08-0373-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
OCTOBER 13, 2008

MICHAEL D. BURLESON, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 140TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2007-417,120; HON. CECIL G. PURYEAR, PRESIDING

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

ON MOTION TO DISMISS

Appellant, Michael D. Burleson, appealed the trial court's denial of his application for writ of habeas corpus, which challenged a prosecution on double jeopardy grounds. However, appellant has now filed a Motion to Abate or, Alternatively, to Dismiss Appeal.¹

¹ While appellant's motion requests abatement, he has identified no reason for this Court to abate the appeal and we fail to see any justification in doing so. Therefore, we will limit our consideration to appellant's request to dismiss. See Tex. R. App. P. 42.2(a).

Because the motion meets the requirements of Texas Rule of Appellate Procedure 44.2(a) and this court has not delivered its decision prior to receiving it, the motion is hereby granted and the appeal is dismissed. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained and our mandate will issue forthwith.

Mackey K. Hancock
Justice

Do not publish.