

NO. 07-08-0508-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C
MAY 8, 2009

ALFREDO OCON, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 137TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2008-419,882; HONORABLE CECIL G. PURYEAR, JUDGE

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

MEMORANDUM OPINION

Following a plea of guilty, Appellant, Alfredo Ocon, was convicted of burglary of a habitation with intent to commit assault, enhanced. Appellant elected to have the jury assess punishment and was sentenced to ten years confinement. The appellate record has been filed, but no briefs have been filed.

Pending before this Court is Alfredo Ocon's *Motion to Voluntarily Dismiss Appeal* in which he represents he wishes to withdraw his notice of appeal. As required by Rule 42.2(a) of the Texas Rules of Appellate Procedure, the motion is signed by Appellant and his attorney. No decision of this Court having been delivered, the motion is granted and the appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith.

Accordingly, the appeal is dismissed.

Patrick A. Pirtle
Justice

Do not publish.