

NO. 07-09-0003-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
JUNE 29, 2009

TERRY SMITH, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 46TH DISTRICT COURT OF WILBARGER COUNTY;

NO. 11,085; HONORABLE DAN MIKE BIRD, JUDGE

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

ON MOTION TO DISMISS

Appellant, Terry Smith, filed Notice of Appeal to appeal a judgment of conviction for the offense of theft of property valued at \$200,000 or more and resulting 10 year sentence entered against him in the 46th District Court of Wilbarger County, Texas. However, appellant has now filed a motion to dismiss the appeal.

Because the motion meets the requirements of Texas Rule of Appellate Procedure 42.2(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.

Mackey K. Hancock
Justice

Do not publish.