

NO. 07-10-0005-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL C  
APRIL 28, 2010

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ALLAN W. SHEPHERD, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 140TH DISTRICT COURT OF LUBBOCK COUNTY;  
NO. 2009-424,407; HONORABLE JIM BOB DARNELL, JUDGE

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

**MEMORANDUM OPINION**

Following an open plea of guilty to aggravated assault on a family member with a deadly weapon, Appellant, Allan Shepherd, was convicted and a jury sentenced him to ten years confinement. Appellant timely filed a notice of appeal challenging his conviction.

Pending before this Court is Appellant's *Motion to Dismiss Appeal* in which he requests that his notice of appeal be withdrawn and the appeal be dismissed. 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Do not publish.