

NO. 07-12-00076-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
JULY 12, 2012

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JAIME REYES, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

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FROM THE 222ND DISTRICT COURT OF DEAF SMITH COUNTY;

NO. CR-11B-019; HONORABLE ROLAND D. SAUL, JUDGE

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

**MEMORANDUM OPINION**

By order of May 14, 2012, we abated and remanded this case for the trial court's determination of specified questions pertaining to the status of the appellate record.<sup>1</sup> Among the inquiries was whether appellant desired to prosecute the appeal. On May 24, the trial court conducted a hearing as directed by our May 14 order. A reporter's record of the proceeding was filed on July 9, 2012.

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<sup>1</sup> *Reyes v. State*, No. 07-12-0076-CR, 2012 Tex. App. Lexis 3797 (Tex.App.--Amarillo May 14, 2012) (per curiam order) (not designated for publication).

Appellant took the stand at the hearing. He acknowledged on inquiry by the trial court his desire to withdraw his notice of appeal. Appellant gave like indication of his desire not to pursue the appeal through answers to questions propounded on direct and cross-examination as well as through the argument of his counsel.

Counsel for appellant subsequently filed a motion seeking dismissal of the appeal. While not signed by appellant as required by appellate rule 42.2(a), when taken in conjunction with the intention expressed during appellant's testimony at the May 24 hearing, the motion is sufficient. Tex. R. App. P. 2, 42.2(a).

By prior notice, we reinstated the case. Appellant's motion to dismiss is granted and the appeal is dismissed. No motions for rehearing will be entertained and our mandate will issue forthwith.

James T. Campbell  
Justice

Do not publish.