



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-15-00411-CR

THE STATE OF TEXAS, APPELLANT

V.

JIMMIE MARK WHITE, APPELLEE

**On Appeal from the County Court at Law No. 2
Potter County, Texas
Trial Court No. 140,075-2; Honorable Pamela Cook Sirmon, Presiding**

November 17, 2015

MEMORANDUM OPINION

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

Pending before this court is a *Motion to Dismiss* filed by Appellant, the State of Texas, in which the State requests dismissal of its appeal.¹ No decision of this court having been delivered, the motion is granted and the appeal is dismissed. TEX. R. APP.

¹ The State filed a document indicating its intent to appeal a Judgment of Deferred Disposition "or in the alternative to seek a writ of mandamus concerning the same." This court has construed the State's filing as a notice of appeal. If the State wishes to seek a writ of mandamus, it must file an original proceeding in accordance with Rule 52 of the Texas Rules of Appellate Procedure.

P. 42.2(a). No motion for rehearing will be entertained and our mandate will issue forthwith.

Patrick A. Pirtle
Justice

Do not publish.