



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

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No. 07-17-00378-CR

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**JAMES PATRICK FOBIAN, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 213th District Court  
Tarrant County, Texas<sup>1</sup>  
Trial Court No. 1469071D, Honorable Louis E. Sturns, Presiding

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November 14, 2017

**MEMORANDUM OPINION**

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

Pending before this Court is appellant James Patrick Fobian's motion to dismiss his appeal. Appellant was convicted of driving while intoxicated, third offense or more,<sup>2</sup> and sentenced to five years imprisonment. As required by Rule 42.2(a) of the Texas Rules of Appellate Procedure, appellant and his attorney have signed the motion. No decision of this Court having been delivered to date, we grant the motion. Accordingly,

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<sup>1</sup> By order of the Texas Supreme Court, this appeal was transferred to this Court from the Second Court of Appeals. See TEX. GOV'T CODE ANN. § 73.001 (West 2013).

<sup>2</sup> TEX. PENAL CODE ANN. §§ 49.04(a), 49.09(b)(2) (West Supp. 2017).

the appeal is dismissed. No motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam

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