



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

No. 07-19-00160-CR

RAYMOND JOSEPH JARAMILLO, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 320th District Court
Potter County, Texas
Trial Court No. 56,256-D; Honorable Pamela Cook Sirmon, Presiding

August 19, 2019

MEMORANDUM OPINION

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

Pending before this court is the *Motion for Voluntary Dismissal in Criminal Case* of Appellant, Raymond Joseph Jaramillo, in which he moves to have his notice of appeal withdrawn and this appeal dismissed. In 2008, Appellant was convicted of aggravated assault with a deadly weapon,¹ sentenced to fifteen years confinement, and assessed a

¹ TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2019).

\$10,000 fine. We affirmed his conviction in *Jaramillo v. State*, No. 07-08-00148-CR, 2009 Tex. App. LEXIS 1781, at *16 (Tex. App.—Amarillo Mar. 13, 2009, no pet.) (mem. op., not designated for publication). In 2019, Appellant filed a *Chapter 64 Motion for Comparison Testing* and a motion for appointment of counsel in the trial court pursuant to Chapter 64 of the Code of Criminal Procedure. On April 3, 2019, the trial court signed an *Order Denying Defendant’s Motions for Comparison Testing and Appointment of Counsel*. Appellant appealed from the trial court’s order, proceeding pro se.

As required by Rule of Appellate Procedure 42.2(a), the motion to dismiss is signed by Appellant.² 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.

Per Curiam

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² In his motion to dismiss, Appellant requests leave to file a petition for writ of mandamus concerning the same subject matter as his appeal. He has filed the petition with this court. As leave of court is not required to commence an original proceeding under Rule of Appellate Procedure 52, his petition for writ of mandamus has been filed and is pending in cause number 07-19-00287-CV, *In re Raymond Joseph Jamarillo, Relator*.