



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-08-00033-CV

IN RE: EXPUNCTION REQUEST BY BERTHA DAVIS

On Appeal from the 71st Judicial District Court
Harrison County, Texas
Trial Court No. 07-0794

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Pending before the Court is an agreed motion to reverse the trial court's judgment and remand this cause to the trial court for entry of an order denying expunction. The trial court had entered an order of expunction, which the Texas Department of Public Safety appealed to this Court. The parties have agreed that the cause should be reversed and remanded to the trial court for entry of an order denying expunction—and also that the Department will not thereafter oppose a "Petition for Nondisclosure" of the records of this arrest and deferred adjudication community supervision.

Rule 42.1(a)(2) of the Texas Rules of Appellate Procedure provides:

(a) *On Motion or By Agreement.* The appellate court may dispose of an appeal as follows:

...

(2) *By Agreement.* In accordance with an agreement signed by the parties or their attorneys and filed with the clerk, the court may:

(A) render judgment effectuating the parties' agreements;

(B) set aside the trial court's judgment without regard to the merits and remand the case to the trial court for rendition of judgment in accordance with the agreements; or

(C) abate the appeal and permit proceedings in the trial court to effectuate the agreement.

In the motion, Appellant and Appellee represent that they have reached an agreement and settled their differences.

The Court has considered this cause on the parties' motion and concludes the motion should be granted. *See Brinker Tex., L.P. v. Muniz*, 225 S.W.3d 229, 230 (Tex. App.—El Paso 2006, no pet.).

Accordingly, we set aside the trial court's judgment without regard to the merits and remand this cause to the trial court for rendition of judgment in accordance with the agreement of the parties.

Jack Carter
Justice

Date Submitted: July 15, 2008
Date Decided: July 16, 2008