



**IN THE
TENTH COURT OF APPEALS**

No. 10-12-00098-CR

AMBER IONE ARNOLD,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 66th District Court
Hill County, Texas
Trial Court No. 36,793**

MEMORANDUM OPINION

Appellant Amber Ione Arnold's counsel has filed a motion to dismiss this appeal. *See* TEX. R. APP. P. 42.2(a).

Rule 42.2(a) of the Texas Rules of Appellate Procedure states:

At any time before the appellate court's decision, the appellate court may dismiss the appeal upon the appellant's motion. The appellant and his or her attorney must sign the written motion to dismiss and file it in duplicate with the appellate clerk, who must immediately send the duplicate copy to the trial court clerk.

Id. We have not issued a decision in this appeal. The motion is signed by Arnold's attorney, and although Arnold did not sign the motion itself, she did sign an affidavit in which she swore to having read the motion and acknowledged that the facts contained in the motion are true and correct. Arnold's trial counsel has also attached to the motion to dismiss the transcript of a hearing held by the trial court on January 8, 2013 in which Arnold states that she wishes to dismiss her appeal. The motion, affidavit, and statement on the record are a sufficient basis on which to dismiss the appeal. *See Hendrix v. State*, 86 S.W.3d 762, 763-64 (Tex. App.—Waco 2002, no pet.); *White v. State*, 993 S.W.2d 381, 382 (Tex. App.—Waco 1999, no pet.).

The motion to dismiss is granted, and the appeal is dismissed. Arnold's pending motion for abatement of this appeal is dismissed as moot.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed February 7, 2013
Do not publish
[CR25]