



**IN THE
TENTH COURT OF APPEALS**

No. 10-12-00408-CR

FRANK CHARLES HARVEY, III,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 77th District Court
Freestone County, Texas
Trial Court No. 11-094CR**

MEMORANDUM OPINION

Frank Harvey III filed a motion to dismiss his appeal. The motion has been signed by Harvey and his counsel. *See* TEX.R.APP.P. 42.2(a). Dismissal of this appeal would not prevent a party from seeking relief to which it would otherwise be entitled. The motion is granted, and the appeal is dismissed.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Motion granted; appeal dismissed
Opinion delivered and filed May 2, 2013
[CR25]