



**IN THE  
TENTH COURT OF APPEALS**

**No. 10-13-00013-CR**

**THE STATE OF TEXAS,**

**Appellant**

**v.**

**DAVID WAYNE HARTLEY,**

**Appellee**

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**From the 272nd District Court  
Brazos County, Texas  
Trial Court No. 10-02624-CRF-272**

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**MEMORANDUM OPINION**

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The State of Texas appealed the trial court's decision to grant the defendant's motion for new trial. The State's Motion to Withdraw State's Notice of Appeal and Dismiss State's Appeal has now been filed.

The State's motion is granted. *See* TEX. R. APP. P. 42.2. The appeal is dismissed.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed February 14, 2013  
Do not publish  
[CR25]