



IN THE  
TENTH COURT OF APPEALS

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No. 10-16-00136-CR

MARCUS DEWAYNE MCGEE,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 85th District Court  
Brazos County, Texas  
Trial Court No. 14-02774-CRF-85

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MEMORANDUM OPINION

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On June 3, 2016, Marcus Dewayne McGee's counsel filed a motion to dismiss his appeal. *See* TEX.R.APP.P. 42.2(a). The motion to dismiss is not signed by McGee as contemplated by Rule 42.2. However, McGee's attorney attached a letter written by McGee which states, "you have my consent to cancel my appeal immediately." McGee's clear indication of his desire to abandon the appeal provides a sufficient basis for this

Court to dismiss the appeal. *See Hendrix v. State*, 86 S.W.3d 762 (Tex.App. – Waco 2002, no pet.).

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 June 15, 2016  
[CR25]

