



IN THE  
TENTH COURT OF APPEALS

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No. 10-17-00036-CR

**KENNETH DWAYNE CLEMONS,**

**Appellant**

v.

**THE STATE OF TEXAS,**

**Appellee**

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**From the 40th District Court  
Ellis County, Texas  
Trial Court No. 34487CR**

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**MEMORANDUM OPINION**

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On March 19, 2018, Kenneth Dwayne Clemons'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 Clemons as contemplated by Rule 42.2. However, the trial court held a hearing on March 26, 2018, and Clemons affirmatively stated on the record that he was aware that his trial counsel had filed a motion to dismiss the appeal on his behalf, that he consented to counsel filing the motion to dismiss, and that he approves of the motion to dismiss his appeal.

Clemons'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 April 25, 2018  
Do not publish  
[CR25]

