



**IN THE
TENTH COURT OF APPEALS**

No. 10-18-00077-CR

THE STATE OF TEXAS,

Appellant

v.

BARBARA THIELEN,

Appellee

**From the 13th District Court
Navarro County, Texas
Trial Court No. D37752-CR**

MEMORANDUM OPINION

The State has filed its appellant’s brief in this appeal and asserts in the brief that it “hereby abandons the instant appeal.” The State notes that it filed its notice of appeal before the trial court had made its findings of fact and conclusions of law. The State explains, “Upon finally receiving and reviewing the trial court’s findings of fact and conclusions of law, the State agrees that the trial court properly applied current applicable case law. . . . Based on the factual findings and the application of law thereto, the State abandons its issues.”

We construe the State’s appellant’s brief as a motion to dismiss this appeal. *See* TEX. R. APP. P. 42.2(a). We have not issued a decision in this appeal, and the brief is signed by the State’s attorney. *See id.* Accordingly, the appeal is dismissed. *See id.; State v. Miles*, 994 S.W.2d 410, 410 (Tex. App. – Waco 1999, no pet.) (mem. op.) (per curiam).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed April 18, 2018
Do not publish
[CR25]

