

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00840-CR

Elizabeth Alene Hampton, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF HAYS COUNTY, 22ND JUDICIAL DISTRICT
NO. CR04-276, HONORABLE WILLIAM HENRY, JUDGE PRESIDING**

MEMORANDUM OPINION

Elizabeth Alene Hampton perfected this appeal from her conviction for intoxication manslaughter. The clerk's fee has not been paid and the clerk's record has not been filed. *See* Tex. R. App. P. 35.3(a). The Court has received a letter from Hampton's retained counsel stating that she desires to dismiss the appeal. The letter was accompanied by a copy of a motion to dismiss the appeal filed in the trial court. The Court has also received a copy of the trial court's order granting the motion to dismiss.

A motion to dismiss a criminal appeal must be filed in the appellate court and signed by the appellant. Tex. R. App. P. 42.2. Although Hampton has not properly withdrawn her notice

of appeal, she has not paid for the clerk's record and plainly does not intend to do so. The appeal is dismissed for want of prosecution. *See* Tex. R. App. P. 37.3(b).

G. Alan Waldrop, Justice

Before Justices B. A. Smith, Puryear and Waldrop

Dismissed for Want of Prosecution

Filed: May 18, 2006

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