

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00454-CR

Claude Windell Montgomery, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 426TH JUDICIAL DISTRICT
NO. 69010, HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

MEMORANDUM OPINION

Appointed counsel for appellant Claude Windell Montgomery has filed a motion to withdraw supported by an *Anders* brief concluding that this appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967). After the brief was filed, Montgomery filed a pro se motion to dismiss his appeal. We grant Montgomery's pro se motion and dismiss the appeal. *See* Tex. R. App. P. 42.2(a), 43.2(f).¹ Counsel's motion to withdraw is dismissed as moot.

¹ *See also Smith v. State*, No. 02-07-00029-CR, 2007 Tex. App. LEXIS 4696, at *1-2 (Tex. App.—Fort Worth June 14, 2007, no pet.) (mem. op., not designated for publication) (dismissing appeal under similar circumstances); *Crockett v. State*, No. 07-04-00438-CR, 2006 Tex. App. LEXIS 796, at *1 (Tex. App.—Amarillo Jan. 31, 2006, no pet.) (mem. op., not designated for publication) (same).

Bob Pemberton, Justice

Before Chief Justice Jones, Justices Pemberton and Field

Dismissed on Appellant's Motion

Filed: December 11, 2013

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