



NUMBER 13-08-00260-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

MICHAEL ALAN GARDNER,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On Appeal from the County Court at Law No. 3
of Collin County, Texas.¹**

MEMORANDUM OPINION

**Before Justices Yanez, Rodriguez and Vela
Memorandum Opinion Per Curiam**

Appellant, Michael Alan Gardner, by and through his attorney, has filed a motion to dismiss his appeal because he no longer desires to prosecute it. See TEX. R. APP. P. 42.2(a). Without passing on the merits of the case, we grant the motion to dismiss

¹This appeal was transferred to this Court from the Fifth Court of Appeals by order of the Texas Supreme Court. See TEX. GOV'T CODE ANN. § 22.220 (Vernon 2004) (delineating the jurisdiction of appellate courts); TEX. GOV'T CODE ANN. § 73.001 (Vernon 2005) (granting the supreme court the authority to transfer cases from one court of appeals to another at any time that there is "good cause" for the transfer).

pursuant to Texas Rule of Appellate Procedure 42.2(a) and dismiss the appeal. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

PER CURIAM

Do not publish. TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered and filed this the 25th day of August, 2008.