



**NUMBER 13-08-00318-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**JOSE REYNA DEL TORO,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On Appeal from the 139th District Court  
of Hidalgo County, Texas.**

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**MEMORANDUM OPINION**

Before Chief Justice Valdez and Justices Rodriguez and Vela  
Memorandum Opinion Per Curiam

This appeal was abated by this Court on August 27, 2010, because the appellant's brief had not been timely filed. Appellant, Jose Reyna del Toro, 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 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Do not publish. See TEX. R. APP. P. 47.2(b).

Delivered and filed the 7th  
day of October, 2010.