



NUMBER 13-09-00096-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JOSE VALDEZ,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 347th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Yañez, Garza, and Benavides
Memorandum Opinion Per Curiam**

Appellant, Jose Valdez, was convicted of aggravated sexual assault. On February 18, 2010, appellant filed a notice of appeal by and through his appointed counsel. Appellant's counsel has filed a motion to dismiss the appeal. According to the motion, appellant is not able to read and has returned counsel's letters unopened. Appellant has advised counsel of his desire to withdraw his appeal by telephone on

September 8, 2010, but when counsel asked if appellant would sign a form stating his desires, appellant responded that he could not read the form and did not trust anyone to read it to him.

Although no written motion has been filed in compliance with Rule 42.2(a) of the Texas Rules of Appellate Procedure, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case in accordance with Rule 2. See TEX. R. APP. P. 2. Based upon counsel's sworn statements, counsel's motion is granted and the appeal is DISMISSED.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).
Delivered and filed the
23rd day of September, 2010.