



NUMBER 13-10-00022-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

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JOSE RAMOS,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

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On appeal from the 94th District Court  
of Nueces County, Texas.

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### MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Rodriguez and Garza  
Memorandum Opinion Per Curiam**

Appellant, Jose Ramos, was convicted of assault. On January 13, 2010, appellant filed a notice of appeal by and through his attorney. Counsel for appellant subsequently informed this Court that appellant did not intend to prosecute his appeal. Counsel filed a motion to dismiss the appeal, but the motion was denied because it did not contain appellant's signature. See TEX. R. APP. P. 42.2 (a).

On April 29, 2011, this Court abated the appeal because of counsel's failure to file a brief and ordered the trial court to determine whether appellant desired to prosecute this appeal. Following the trial court hearing, the trial court issued an order that the appeal be dismissed.

Although no written motion has been filed in compliance with Rule 42.2(a) of the Texas Rules of Appellate Procedure, based upon the order issued by the trial court we conclude that appellant does not want to continue his appeal and that good cause exists to suspend the operation of Rule 42.2(a) in this case. See TEX. R. APP. P. 2. Accordingly, we dismiss the appeal.

PER CURIAM

Do not publish.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

Delivered and filed the  
4th day of August, 2011.