



NUMBER 13-11-00082-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

VICTOR AMAYA RIOS,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 36th District Court
of San Patricio County, Texas.**

MEMORANDUM OPINION

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

Appellant, Victor Amaya Rios, was convicted of bail jumping. Appellant filed a pro se notice of appeal and on August 18, 2011, appointed counsel filed a motion to dismiss the appeal. Counsel advised this Court that the appellant did not wish to proceed with his appeal, but was unwilling to sign the motion to dismiss. On August 25, 2011, this

Court denied the motion to dismiss because it did not contain the appellant's signature and abated the appeal with instructions to the trial court to make findings as to whether the appellant had abandoned his appeal. See TEX. R. APP. P. 42.2 (a).

Based on the trial court hearing, the trial court judge found that appellant does not desire to prosecute the appeal. Although no written motion has been filed in compliance with Rule 42.2(a) of the Texas Rules of Appellate Procedure, based upon the evidence at the hearing that appellant does not want to continue his appeal, we conclude 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Do not publish.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 29th
day of September, 2011.