



NUMBER 13-11-00402-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

GUADALUPE GARCIA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 138th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

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

Appellant, Guadalupe Garcia, was convicted of theft. On March 17, 2011, appellant filed a notice of appeal by and through his attorney. Counsel for appellant subsequently filed a motion to dismiss the appeal with the trial court which was granted on June 14, 2011. This Court has requested that counsel file a motion to dismiss the appeal with this Court in accordance with Texas Rule of Appellate Procedure 42.2(a). See TEX. R. APP. P. 42.2 (a). To date a motion to dismiss has not been filed.

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Do not publish.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
31st day of August, 2011.