



NUMBER 13-16-00563-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

EZRA WALLACE JOHNSON,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the County Court at Law No. 3
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Longoria and Hinojosa
Memorandum Opinion by Chief Justice Valdez**

This appeal was abated by this Court on June 30, 2017, because appellant's brief had not been filed. This cause is now before the Court because counsel for appellant has filed an amended motion to dismiss his appeal. Accordingly, this case is hereby REINSTATED.

The motion to dismiss appeal contains a signed affidavit of appellant stating that he no longer wishes to pursue the appeal and wishes for the Court to dismiss his appeal. We find the motion and affidavit together meet the requirement of Texas Rule of Appellate Procedure 42.2(a) that appellant and his attorney must sign a written motion to dismiss the appeal. 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.

/s/ Rogelio Valdez

ROGELIO VALDEZ

Chief Justice

Do not publish.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

Delivered and filed the
3rd day of August, 2017.