



NUMBER 13-20-00439-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

TREMAIN SENTEL MITCHELL,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 329th District Court
of Wharton County, Texas.**

MEMORANDUM OPINION

**Before Justices Longoria, Hinojosa, and Tijerina
Memorandum Opinion by Justice Tijerina**

Appellant, Tremain Sentel Mitchell filed a notice of appeal on October 26, 2020. On March 30, 2021, we received the court reporter's request for extension of time in this matter which indicates "appeal abandoned." On May 6, 2021, this Court abated the appeal and remanded the case to the trial court to make appropriate findings and to

determine whether appellant desired to prosecute this appeal. On May 19, 2021, an Order appointing new counsel was signed. On June 23, 2021, a show cause hearing was held in the trial court and appellant appeared with his attorney and stated that he wanted to abandon his appeal and has made the decision voluntarily.

Subsequently, on July 13, 2021, counsel for appellant filed a motion to dismiss indicating that the appellant wishes to withdraw this appeal. The motion was signed by both counsel and the appellant. We find the motion meets the requirement of the Texas Rule of Appellate Procedure 42.2(a) that the appellant and attorney must sign a written motion to dismiss the appeal.

Without passing on the merits of the case, we hereby reinstate this case and grant the motion to dismiss and dismiss this appeal.

JAIME TIJERINA
Justice

Do not publish.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

Delivered and filed on the
29th day of July, 2021.