



NUMBER 13-21-00207-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

JOSE HOMERO CEPEDA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 445th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Contreras and Justices Benavides and Tijerina
Memorandum Opinion by Justice Benavides**

On July 1, 2021, appellant Jose Homero Cepeda filed a notice of appeal from his conviction for theft of property valued at \$2,500 or more but less than \$30,000, a state jail felony. See TEX. PENAL CODE ANN. § 31.03(e)(4)(A). On June 8, 2022, we abated the appeal and remanded the case to the trial court to resolve a conflict between the record and the trial court's certification of Cepeda's right of appeal. See TEX. R. APP. P.

25.2(a)(2).

Cepeda has since filed a motion to dismiss the appeal, signed by Cepeda and his attorney. See *id.* R. 42.2(a) (providing that, in a criminal case, the appellant has the right to voluntarily and unilaterally dismiss the appeal “[a]t any time before the appellate court’s decision”). Accordingly, we reinstate the appeal, grant Cepeda’s motion, and dismiss the appeal. See *id.* Having dismissed the appeal at Cepeda’s request, no motion for rehearing will be entertained.

GINA M. BENAVIDES
Justice

Do not publish.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

Delivered and filed on the
7th day of July, 2022.