

**NO. 12-09-00273-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***TERRY GARNER, JR.,  
APPELLANT***

**§ *APPEAL FROM THE 145TH***

***V.***

**§ *JUDICIAL DISTRICT COURT OF***

***THE STATE OF TEXAS,  
APPELLEE***

**§ *NACOGDOCHES COUNTY, TEXAS***

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***MEMORANDUM OPINION***

***PER CURIAM***

Appellant has filed a motion to dismiss this appeal. The motion is signed by Appellant and his counsel. No decision having been delivered by this court, the motion is granted, and the appeal is ***dismissed*** in accordance with Texas Rule of Appellate Procedure 42.2.

Opinion delivered September 23, 2009.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(DO NOT PUBLISH)