

NO. 12-13-00360-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***JAMES RUSSELL SANDEL,
APPELLANT***

§ ***APPEAL FROM THE 159TH***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***ANGELINA COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

On March 7, 2014, the trial court conducted a telephonic hearing, at which Appellant participated and was represented by counsel, to determine the status of this appeal. A reporter's record of the hearing has been filed with this court. At the hearing, after a discussion with his counsel, Appellant stated that he wished to dismiss this appeal.

Appellant has not filed a motion to dismiss the appeal in this court as required by Rule 42.2(a). *See* TEX. R. APP. P. 42.2(a). But given Appellant's expressed desire to forego pursuit of his appeal, we conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case in accordance with Rule 2. *See* TEX. R. APP. P. 2; *see also Silda v. State*, No. 01-04-00446-CR, 2004 WL 1746880, at *1 (Tex. App.–Aug. 5, 2004, no pet.) (mem. op., not designated for publication) (invoking Rule 2 to suspend requirement of motion to dismiss appeal where appellant stated at hearing that she wished to dismiss appeal). No decision has been delivered in this appeal. Accordingly, the appeal is *dismissed*.

Opinion delivered March 19, 2014.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

MARCH 19, 2014

NO. 12-13-00360-CR

JAMES RUSSELL SANDEL,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 159th District Court
of Angelina County, Texas (Tr.Ct.No. 2011-0331)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.