

NO. 12-17-00099-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***HEATH BYRON WHITESIDE,
APPELLANT***

§ ***APPEAL FROM THE 18TH***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***JOHNSON COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Heath Byron Whiteside, has filed a motion to dismiss this appeal. The motion is signed by Appellant's counsel. Appellant did not sign the motion; however, at a hearing before the trial court on November 29, 2017, Appellant stated under oath that he no longer desires to prosecute this appeal. No decision has been delivered in this appeal. Based on the record of the hearing at which Appellant expressed his desire to dismiss the appeal, we suspend the requirement that Appellant sign the motion to dismiss the appeal. *See* TEX. R. APP. P. 2, 42.2(a). Accordingly, Appellant's motion to dismiss is granted, and the appeal is *dismissed*. *See* TEX. R. APP. P. 42.2(a).

Opinion delivered December 13, 2017.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 13, 2017

NO. 12-17-00099-CR

HEATH BYRON WHITESIDE,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 18th District Court
of Johnson County, Texas (Tr.Ct.No. F50700)

THIS CAUSE came on to be heard on the motion of the Appellant to dismiss the appeal herein, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion to dismiss be **granted** and the appeal be **dismissed**, and that the decision be certified to the court below for observance.

By *per curiam* opinion.

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