

**Dismissed and Opinion filed September 21, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-00457-CR**

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**HERMON FRANKLIN LLOYD, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Criminal Court at Law No. 5  
Harris County, Texas  
Trial Court Cause Nos. 98-03131 & 98-03130**

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**OPINION**

On April 26, 2000, this Court received affidavits in each of these cases from a supervisor in the County Criminal Courts division of the District Clerk's office stating that on April 17, 2000, it was brought to her attention that a notice of appeal was filed in each of these cases, but they were never assigned to the Court of Appeals. Accordingly, the appeals were then assigned to this Court, and the Clerk's records were filed on April 26, 2000. Each record contains a notice of appeal dated April 30, **1998**, signed by appellant and his attorney, Audley

Heath. Since docketing these appeals, this Court's clerk's office has attempted to find out from Mr. Heath the status of the appeals. No satisfactory response has been received.

The rules provide no mechanism to dismiss a criminal appeal for want of prosecution when a brief has not been filed; instead, we must refer the matter to the trial court for findings to determine if appellant has abandoned his appeals. Accordingly, on June 22, 2000, this Court ordered the trial court to conduct a hearing to determine the status of these appeals. A record of that hearing was filed with this Court on July 24, 2000. At the hearing, appellant and his counsel stated that appellant wished to continue his appeals, but appellant had not paid his attorney and he had not made arrangements for filing a brief. On August 31, 2000, this Court granted appellant's counsel's motion to withdraw. Appellant was advised that his pro se brief was due on or before September 29, 2000.

On September 12, 2000, appellant filed a written request to withdraw the notices of appeal. *See* TEX. R. APP. P. 42.2. Because this Court has not delivered an opinion, we grant appellant's request.

Accordingly, we order the appeals dismissed. We direct the Clerk of the Court to issue the mandate of the Court immediately.

PER CURIAM

Judgment rendered and Opinion filed September 21, 2000.

Panel consists of Chief Justice Murphy, Justices Amidei and Hudson.

Do not publish - TEX. R. APP. P. 47.3(b).