

Dismissed and Opinion filed November 9, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-01249-CR

KENYATTA GENESIS SUTTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 11
Harris County, Texas
Trial Court Cause No. 99-28380**

OPINION

On August 21, 2000, appellant's retained counsel filed a motion to dismiss the appeal. The motion did not contain appellant's signature as required by the rules. *See* TEX. R. APP. P. 42.2(a). After appellant's counsel failed to furnish appellant's signature, this Court ordered the trial court to conduct a hearing to determine whether appellant wished to continue his appeal.

The trial court conducted the hearing ordered by this Court on October 25, 2000, and a record of that hearing was filed on October 31, 2000. At the hearing appellant testified that he no longer wished to appeal and asked that his appeal be dismissed. He testified he would sign a motion to dismiss and filed it with this Court.

On November 3, 2000, a written request to withdraw the notice of appeal, signed by appellant and counsel, was filed with this Court. *See* TEX. R. APP. P. 42.2. Because this Court has not delivered an opinion, we grant appellant's request.

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

PER CURIAM

Judgment rendered and Opinion filed November 9, 2000.

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

Do not publish - TEX.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