NO. 07-04-0270-CR

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL E

MAY 11, 2004

MARK ALAN PAYNE,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE COUNTY COURT AT LAW OF RANDALL COUNTY;

NO. 2003-1437-L; HON. RICHARD DAMBOLD, PRESIDING

Before QUINN and REAVIS, JJ., and BOYD, S.J.[1]

Appellant Mark Alan Payne, by and through his attorney, has filed a motion to dismiss this appeal because he no longer desires to prosecute it. Without passing on the merits of the case, we grant the motion to dismiss pursuant to Texas Rule of Appellate Procedure 42.1(a)(2) and dismiss the appeal. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained, and our mandate will issue forthwith.

Brian Quinn
Justice

Do not publish.

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[1] John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov't Code Ann. §75.002(a)(1) (Vernon Supp. 2004).