NO. 07-03-0548-CR

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL E

SEPTEMBER 30, 2004

THE STATE OF TEXAS, APPELLANT

V.

DYLON CARTER, APPELLEE

FROM THE 251ST DISTRICT COURT OF RANDALL COUNTY;

NO. 15,536C; HONORABLE PATRICK A. PIRTLE, JUDGE

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

MEMORANDUM OPINION

Appellant, The State of Texas, by and through its District Attorney, James A. Farren, filed a Motion to Dismiss Appeal on September 28, 2004 stating that it desires to withdraw its appeal.

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[1]John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment.

Without passing on the merits of the case, we grant appellant's motion for voluntary dismissal and dismiss the appeal. Tex. R. App. P. 42.2. Having dismissed the appeal at appellant's request, we will not entertain a motion for rehearing, and our mandate will issue forthwith.

James T. Campbell
Justice

Do not publish.