COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH

NO. 02-11-00173-CR

MARK EDMONDSON — APPELLANT

V.

THE STATE OF TEXAS — STATE

FROM CRIMINAL DISTRICT COURT NO. 1 OF TARRANT COUNTY

MEMORANDUM OPINION[1]

On May 6, 2011, Appellant Mark Edmondson, proceeding pro se, filed a notice of appeal, attempting to appeal from a March 31, 2011 order denying his request for appointment of counsel to assist him in filing a motion for forensic DNA testing of evidence. Edmondson's notice of appeal was one day late, and he filed a motion for extension of time to file his notice of appeal concurrently with his notice of appeal.

[1]*See* Tex. R. App. P. 47.4.

On April 28, 2011, unbeknownst to Edmondson, the trial court had granted Edmondson's motion to vacate and set aside the order denying his request for appointment of counsel, and the trial court appointed John Stickels as counsel for Edmondson.

Edmondson has now filed a letter, asking that his notice of appeal "be disregarded and/or dismissed." We construe Edmondson's letter as a motion to dismiss the appeal. The motion complies with rule 42.2(a) of the rules of appellate procedure. Tex. R. App. P. 42.2(a). No decision of this court having been delivered before we received this motion, we grant the motion and dismiss the appeal. *See* Tex. R. App. P. 42.2(a), 43.2(f).

PER CURIAM

PANEL: WALKER, MCCOY, and MEIER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: June 16, 2011