

Dismissed and Opinion filed March 14, 2002.



In The
Fourteenth Court of Appeals

NO. 14-01-00937-CR

KELVIN RAY GATLIN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 746,483**

MEMORANDUM OPINION

Appellant appeals from a judgment revoking community supervision on his conviction for the offense of driving while intoxicated. He was sentenced to confinement for four years in the the Institutional Division of the Texas Department of Criminal Justice on August 16, 2001.

On February 7, 2002, this court ordered a hearing to determine why appellant had not filed a brief in this appeal. On February 19-20, 2002, the trial court conducted the hearing. The record of the hearing was filed in this court on March 4, 2002. At the hearing, appellant testified that after consultation with counsel, he no longer wanted to pursue his appeal. He

also signed a motion withdrawing his appeal. The trial court found appellant had abandoned his appeal and granted his request to withdraw the appeal.

A written withdrawal of a notice of appeal should be filed with the appellate clerk. TEX. R. APP. P. 42.2(a). Appellant's motion to withdraw his appeal was filed with the clerk of this Court in a supplemental clerk's record on March 4, 2002. Under the authority of Texas Rule of Appellate Procedure 2, we construe appellant's motion as properly filed with this Court. The motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed March 14, 2002.

Panel consists of Chief Justice Brister and Justices Anderson and Frost.

Do not publish - TEX.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