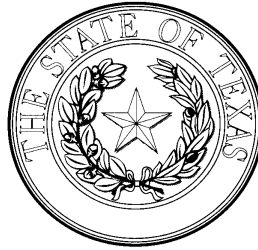


Opinion issued July 7, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00717-CR

RODOLFO DE LA FUENTE, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 179th District Court
Harris County, Texas
Trial Court Case No. 1568846

MEMORANDUM OPINION

On September 10, 2019, appellant, Rodolfo De La Fuente, filed a notice of appeal from his conviction in the underlying case. On September 30, 2019, appellant filed a document entitled “Defendant’s Withdrawal and Waiver of Right to Appeal” seeking to withdraw his appeal. The filing is signed by both appellant and his

counsel, and states that (1) appellant “after consulting with counsel hereby withdraws and waives his right to appeal” and (2) appellant’s counsel “has discussed defendant’s right to appeal and has discussed the Defendant’s legal rights to appeal, the consequences of withdrawing his appeal and answered all questions related to the matter.” We construe this filing as a motion for voluntary dismissal of this appeal. The motion complies with Texas Rule of Appellate Procedure 42.2(a) and no prior decision has issued. *See* TEX. R. APP. P. 42.2(a), (b). Accordingly, we grant the motion and dismiss the appeal.

PER CURIAM

Panel consists of Justices Keyes, Kelly and Landau.

Do not publish. TEX. R. APP. P. 47.2(b).