

NO. 12-12-00156-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*STEVE TAYLOR GEBERT,
APPELLANT*

§

APPEAL FROM THE 7TH

V.

§

JUDICIAL DISTRICT COURT

*THE STATE OF TEXAS,
APPELLEE*

§

SMITH COUNTY, TEXAS

***MEMORANDUM OPINION
PER CURIAM***

Steven Taylor Gebert was convicted of driving while intoxicated “3rd or more” and sentenced by a jury to imprisonment for life. He timely perfected an appeal, which is presently pending in this court. Appellant’s counsel has filed a motion alleging that Appellant has died and requesting that the appeal be permanently abated.

Texas Rule of Appellate Procedure 7.1(a)(2) provides that “[i]f the appellant in a criminal case dies after an appeal is perfected but before the appellate court issues the mandate, the appeal will be permanently abated.” TEX. R. APP. P. 7.1(a)(2). This court has not issued its mandate in this appeal. Accordingly, we grant the motion to abate and *permanently abate* the appeal.

Opinion delivered January 16, 2013.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

JANUARY 16, 2013

NO. 12-12-00156-CR

STEVE TAYLOR GEBERT,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 7th Judicial District Court
of Smith County, Texas. (Tr.Ct.No. 007-1153-11)

THIS CAUSE came to be heard on the appellate record and Appellant's counsel's motion to permanently abate this appeal, and the same being considered; it is ORDERED, ADJUDGED and DECREED by this court, that the motion to permanently abate this appeal be, and that the cause be, and the same is, hereby **permanently abated** in accordance with the opinion of this court; and that this decision be certified to the court below for observance.

It is THEREFORE ORDERED that the appeal be **permanently abated** and administratively removed from this court's docket.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.