

**NO. 12-14-00004-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***TREAVER ALLRED,***  
***APPELLANT***

§ ***APPEAL FROM THE 217TH***

***V.***

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,***  
***APPELLEE***

§ ***ANGELINA COUNTY, TEXAS***

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***MEMORANDUM OPINION***  
***PER CURIAM***

Appellant filed a motion to dismiss this appeal. The motion was directed to this court, but was filed in the trial court. According to the Texas Rules of Appellate Procedure, motions to dismiss in criminal cases are to be filed in the appellate court. *See* TEX. R. APP. P. 42.2(a). The motion is signed by Appellant and his counsel as the rule requires. *See id.* In the motion, Appellant states, in part, that “I am freely and voluntarily signing this Motion to Dismiss Appeal.” In addition, the motion to dismiss is included in a supplemental clerk’s record that is certified as true and correct by the Angelina County District Clerk.

We conclude that good cause exists to suspend the operation of Rule 42.2(a) in this case, as to the requirement that a motion to dismiss an appeal be filed with the appellate court clerk. *See* TEX. R. APP. P. 2 (authorizing appellate court to suspend operation of rule in criminal case and order different procedure except to suspend any provision in Texas Code of Criminal Procedure); *Garcia v. State*, No. 01-02-01218-CR, 2003 WL 321549, at \*1 (Tex. App.–Houston [1st Dist.] Feb. 13, 2003, no pet.) (mem. op., not designated for publication) (suspending Rule 2 where motion to dismiss was filed in trial court). No decision has been delivered in this appeal. Accordingly, Appellant’s motion to dismiss is granted, and the appeal is *dismissed*. *See* TEX. R. APP. P. 42.2(a).

Opinion delivered October 31, 2014.

*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(DO NOT PUBLISH)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**

**OCTOBER 31, 2014**

**NO. 12-14-00004-CR**

**TREAVER ALLRED,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the 217th District Court  
of Angelina County, Texas (Tr.Ct.No. 28,649)

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THIS CAUSE came on to be heard on the motion of the Appellant to dismiss the appeal herein, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the appeal be **dismissed**, and that this decision be certified to the court below for observance.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*