

**NOS. 12-16-00046-CR
12-16-00047-CR**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***TIMOTHY SEAN GELLER,
APPELLANT***

§ ***APPEAL FROM THE 241ST***

V.

§ ***JUDICIAL DISTRICT COURT***

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

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Appellant, Timothy Sean Geller, pleaded guilty to the offenses of burglary of a building and aggravated assault. We have received the trial court's certification in each case stating that this "is a plea bargain case, and the defendant has NO right of appeal[,] and that "the Defendant has waived the right of appeal." The trial court's certification is signed by the trial court, Appellant, and Appellant's counsel. *See* TEX. R. APP. P. 25.2(a)(2).

Appellant's counsel in these appeals has informed this Court that Appellant pleaded guilty in each case pursuant to a plea bargain. Counsel states further that, as part of that agreement, Appellant waived his right to appeal, both in writing and in open court, in each case. Therefore, he concludes that these appeals must be dismissed. *See* TEX. R. APP. P. 25.2(d) (dismissal required if certification showing right of appeal has not been made part of record); *Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006). We agree. Accordingly, we *dismiss* the appeals "without further action." TEX. R. APP. P. 25.2(d); *Chavez*, 183 S.W.3d at 680.

Opinion delivered February 17, 2016.

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

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

FEBRUARY 17, 2016

NO. 12-16-00046-CR

TIMOTHY SEAN GELLER,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-1411-15)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

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



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

FEBRUARY 17, 2016

NO. 12-16-00047-CR

TIMOTHY SEAN GELLER,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 241st District Court
of Smith County, Texas (Tr.Ct.No. 241-1412-15)

THIS CAUSE came to be heard on the appellate record; and the same being considered, it is the opinion of this court that this appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this court that this appeal be, and the same is, hereby **dismissed**; and that this decision be certified to the court below for observance.

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