



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00694-CR

Rene **DE LA CERDA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CR5361
Honorable Kevin M. O'Connell, Judge Presiding

PER CURIAM

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: July 19, 2017

ABATED

On January 18, 2017, the trial court clerk filed a supplemental clerk's record containing a certificate of death reflecting that Rene De la Cerda died on December 8, 2016, while in the custody of the Texas Department of Criminal Justice. The death of an appellant during the pendency of an appeal deprives this court of jurisdiction. *Molitor v. State*, 862 S.W.2d 615, 616 (Tex. Crim. App. 1993); *Marez v. State*, No. 04-05-00651-CR, 2006 WL 118384, at *1 (Tex. App.—San Antonio Jan. 18, 2006, no pet.) (mem. op., not designated for publication). Under these

circumstances, the appropriate disposition is the permanent abatement of the appeal. TEX. R. APP. P. 7.1(a)(2). It is therefore ordered that this appeal is permanently abated.

PER CURIAM

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