



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-12-00295-CR

ARCHIE LAWAYNE BOOKER

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 371ST DISTRICT COURT OF TARRANT COUNTY

**MEMORANDUM OPINION¹ AND JUDGMENT
ON PERMANENT ABATEMENT OF APPEAL**

We have considered the "State's Motion To Permanently Abate Appeal."
Attached to the motion was Booker's death certificate showing that he died on
Friday, June 29, 2012.

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.

¹See Tex. R. App. P. 47.1.

1993). Under these circumstances, the appropriate disposition is the permanent abatement of the appeal. See Tex. R. App. P. 7.1(a)(2).

No decision of this court having been delivered prior to the receipt of this motion, the court finds the motion to permanently abate the appeal should be granted. It is therefore ordered, adjudged, and decreed that the appeal is permanently abated.

PER CURIAM

PANEL: GABRIEL, J.; LIVINGSTON, C.J.; and DAUPHINOT, J.

DO NOT PUBLISH
TEX. R. APP. P. 47.2(b)

DELIVERED: August 9, 2012