

NO. 07-03-0137-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
DECEMBER 3, 2003

EMILIO CORTEZ SANDOVAL, JR., APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 287TH DISTRICT COURT OF BAILEY COUNTY;

NO. 2154; HONORABLE GORDON H. GREEN, JUDGE

Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

PERMANENT ABATEMENT

Following a plea of not guilty, appellant Emilio Cortez Sandoval, Jr. was convicted by a jury of delivery of a controlled substance, enhanced, and punishment was assessed at 15 years confinement and a \$5,000 fine. Following submission of this appeal, the State filed a Suggestion of Death indicating appellant died on November 16, 2003.

An appellant's death during the pendency of his appeal deprives an appellate court of jurisdiction. See *Freeman v. State*, 11 S.W.3d 240 (Tex.Cr.App. 2000) citing *Ryan v. State*, 891 S.W.2d 275 (Tex.Cr.App. 1994). Accordingly, this appeal is permanently abated.

Don H. Reavis
Justice

Do not publish.