

Opinion filed November 6, 2014



In The  
**Eleventh Court of Appeals**

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No. 11-14-00210-CR

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**THE STATE OF TEXAS, Appellant**

**V.**

**HUMBERTO LINARES PALMA, Appellee**

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**On Appeal from the 441st District Court  
Midland County, Texas  
Trial Court Cause No. CR 38386**

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**MEMORANDUM OPINION**

The State of Texas has filed a motion to dismiss the appeal. The State filed a notice of appeal from the trial court's order granting the motion to suppress filed by the defendant, Humberto Linares Palma. Palma died prior to the disposition of this appeal. Attached to the State's motion to dismiss is a copy of Palma's death certificate. The State correctly points out that all of the issues in this appeal have become moot due to Palma's death. Therefore, because the State is the appealing party, we must dismiss the appeal. *State v. McCaffrey*, 76 S.W.3d 392, 392–93

(Tex. Crim. App. 2002); *cf.* TEX. R. APP. P. 7.1(a)(2) (if the “appellant” in a criminal case dies during the appeal, the proper disposition of the appeal is permanent abatement).

The motion is granted, and the appeal is dismissed.

PER CURIAM

November 6, 2014

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.