

Opinion issued July 29, 2014



In The
Court of Appeals
For The
First District of Texas

NO. 01-13-00513-CR

CLINTON ANTHONY SUTTON, JR., Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 412th District Court
Brazoria County, Texas
Trial Court Case No. 68,646

MEMORANDUM OPINION ON PERMANENT ABATEMENT

The State has filed a motion to permanently abate this appeal. *See* TEX. R. APP. P. 7.1(a)(2). The State attached to its motion a Certified Abstract of Vital Records, which indicates that appellant Clinton Anthony Sutton, Jr. died on May 5,

2014 in Palestine, Anderson County, Texas. The death of an appellant during the pendency of an appeal deprives this court of jurisdiction. *See Beard v. State*, 108 S.W.3d 304, 304 (Tex. Crim. App. 2003). The motion to permanently abate the appeal is **granted**. *See* TEX. R. APP. P. 7.1(a)(2).

Therefore, we order the appeal in trial court cause number 68,646 permanently abated.

PER CURIAM

Panel consists of Justices Jennings, Bland, and Massengale.

Do not publish.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