



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

NO. 02-11-00258-CR

TAMMIE HAMPTON

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 362ND DISTRICT COURT OF DENTON COUNTY

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

We have considered appellant's "Motion To Abate Appeal And Release Bond," which we construe as a motion to permanently abate this appeal. Attached to the motion was Hampton's obituary showing that she died on Friday, August 5, 2011.

¹See Tex. R. App. P. 47.1.

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). 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: LIVINGSTON, C.J.; DAUPHINOT and GARDNER, JJ.

DO NOT PUBLISH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

DELIVERED: November 3, 2011