



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

NO. 02-15-00169-CR

FELTON L. GRAY

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM CRIMINAL DISTRICT COURT NO. 2 OF TARRANT COUNTY
TRIAL COURT NO. 0929056D

**MEMORANDUM OPINION¹ AND
JUDGMENT PERMANENTLY ABATING APPEAL**

Appellant Felton L. Gray has died. He timely perfected this appeal in May 2015. On August 10, 2015, we received an affidavit from the custodian of records for the Correctional Managed Care Department of Health Information Management of the University of Texas Medical Branch of the Texas Department of Criminal Justice. A death certificate accompanied the affidavit. The affidavit

¹See Tex. R. App. P. 47.4.

and death certificate both provide that Appellant died on July 13, 2015 while in custody.

The death of an appellant in a criminal case deprives this court of jurisdiction.² Under these circumstances, the appropriate disposition is permanent abatement of the appeal.³ Accordingly, on the court's own motion, it is ordered that this appeal is permanently abated.

PER CURIAM

PANEL: DAUPHINOT, GARDNER, and WALKER, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: August 28, 2015

²*Molitor v. State*, 862 S.W.2d 615, 616 (Tex. Crim. App. 1993); *Glawson v. State*, No. 02-12-00381-CR, 2013 WL 362791, at *1 (Tex. App.—Fort Worth Jan. 31, 2013, no pet.) (mem. op., not designated for publication).

³See Tex. R. App. P. 7.1(a)(2).