



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

**NO. 02-16-00216-CR**

CLARENCE G. FISHER JR.

APPELLANT

V.

THE STATE OF TEXAS

STATE

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FROM THE 355TH DISTRICT COURT OF HOOD COUNTY  
TRIAL COURT NO. CR12989

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**MEMORANDUM OPINION<sup>1</sup>**  
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Appellant sought to appeal his conviction for aggravated assault with a deadly weapon. See Tex. Penal Code Ann. § 22.02(a)(2) (West 2011). On October 25, 2016, Appellant's counsel filed a motion for permanent abatement informing us that Appellant passed away on September 16, 2016. On November 12, 2016, Appellant's counsel filed a letter from the Texas Department of

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<sup>1</sup>See Tex. R. App. P. 47.4.

Criminal Justice confirming that Appellant had passed away while in its custody. No opinion or mandate has been issued in the appeal. In accordance with rule 7.1(a)(2), we therefore permanently abate this appeal. Tex. R. App. P. 7.1(a)(2); *see also Hanson v. State*, 790 S.W.2d 646, 646 (Tex. Crim. App. 1990) (noting that the death of an appellant during the pendency of an appeal deprives the appellate courts of jurisdiction).

/s/ Bonnie Sudderth  
BONNIE SUDDERTH  
JUSTICE

PANEL: LIVINGSTON, C.J.; WALKER and SUDDERTH, JJ.

DO NOT PUBLISH  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

DELIVERED: December 8, 2016