

NO. 07-02-0355-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL A  
OCTOBER 15, 2004

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BRYAN PARRACK, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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FROM THE 222ND DISTRICT COURT OF DEAF SMITH COUNTY;  
NO. CR-01D-058; HONORABLE H. BRYAN POFF, JR., JUDGE

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Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

**PERMANENT ABATEMENT**

Appellant was convicted of capital murder and the jury assessed punishment at confinement for life. Appellant perfected an appeal, but a mandate has not yet been issued by this court.

The State has filed a Suggestion of Death and a certified copy of appellant's death certificate indicating he died on August 25, 2004. The death of the appellant during the

pendency of his criminal appeal deprives this court of jurisdiction. *Freeman v. State*, 11 S.W.3d 240 (Tex.Crim.App. 2000); *Ryan v. State*, 891 S.W.2d 275 (Tex.Crim.App. 1994); Tex. R. App. P. 7.1(a)(2). The proper action is abatement of the appeal. See Tex. R. App. P. 7.1(a)(2).

Accordingly, this appeal is permanently abated.

James T. Campbell  
Justice

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