

NO. 07-11-00329-CR, 07-11-00330-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
MAY 31, 2012

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TERRY LYNN FLEETWOOD, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

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FROM THE 320TH DISTRICT COURT OF POTTER COUNTY;  
NO. 63,731-D; HONORABLE RICHARD DAMBOLD, JUDGE

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

### **MEMORANDUM OPINION**

Appellant, Terry Lynn Fleetwood, was convicted of aggravated sexual assault (Cause No. 07-11-00329-CR), and aggravated assault (Cause No. 07-11-00330-CR). On August 9, 2011, appellant filed notices of appeal in each cause. Appellant's appointed counsel has filed a motion to permanently abate this appeal, and has provided this Court a certified copy of appellant's death certificate stating that appellant

died on April 5, 2012.<sup>1</sup> At the time of appellant's death, no mandate from this Court had been issued.

If an appellant in a criminal case dies after an appeal is perfected but before the mandate of the appellate court is issued, the appeal should be permanently abated. TEX. R. APP. P. 7.1(a)(2). The death of an appellant during the pendency of his appeal deprives an appellate court of jurisdiction. Hanson v. State, 790 S.W.2d 646, 646 (Tex.Crim.App. 1990) (en banc). Consequently, these appeals and any further proceedings are ordered permanently abated.

Mackey K. Hancock  
Justice

Do not publish.

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<sup>1</sup> We note that appellant's appointed counsel filed appellant's brief on March 14, 2012.