

NO. 07-11-0459-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
DECEMBER 4, 2012

MICKEY PATTERSON,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 140TH DISTRICT COURT OF LUBBOCK COUNTY;
NO. 2009-424,725; HONORABLE JIM BOB DARNELL, PRESIDING

Memorandum Opinion

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

Mickey Patterson was convicted of murder and sentenced to life imprisonment. Though he perfected an appeal, both his counsel and the attorney for the State represent that Patterson has died. So too do they jointly move to permanently abate the appeal under Texas Rule of Appellate Procedure 7.1(a)(2). Per the latter, “[i]f the appellant in a criminal case dies after an appeal is perfected but before the appellate court issues the mandate, the appeal will be permanently abated.” TEX. R. APP. P.

7.1(a)(2). Given the motion before us, appellant's death, and the fact that mandate has yet to issue from this court, we permanently abate the appeal.

It is so ordered.

Per Curiam

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