



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-13-00294-CR

MIKKO LEJON DANIELS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court No. 62673-E, Honorable Douglas Woodburn, Presiding

March 4, 2014

MEMORANDUM OPINION

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

Appellant, Mikko Lejon Daniels, appealed a judgment convicting him of the offense of aggravated assault with a deadly weapon,¹ enhanced by a prior felony conviction,² and sentencing him to incarceration in the Texas Department of Criminal Justice, Institutional Division, for life. We will dismiss.

¹ See TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2011).

² See TEX. PENAL CODE ANN. § 12.42(b) (West Supp. 2013).

Appellant's appointed counsel on appeal has filed a motion to dismiss the appeal. While the motion is signed only by counsel, counsel has included an affidavit attesting that appellant died while in custody on January 10, 2014. As further proof, counsel has provided a copy of an e-mail from TDCJ confirming appellant's death.

While the motion does not meet the requirements of Texas Rule of Appellate Procedure 42.2(a) because it is not signed by appellant and counsel, we accept the affidavit of counsel and the TDCJ e-mail confirmation as sufficient proof of appellant's death, and accept the motion to dismiss. See TEX. R. APP. P. 2. As this Court has not delivered its decision prior to receiving appellant's motion, the motion is hereby granted and the appeal is dismissed. Having dismissed the appeal at appellant's request, no motion for rehearing will be entertained and our mandate will issue forthwith.

Per Curiam

Do not publish.