



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-09-00152-CR

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BILLY R. BELGARD, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 188th Judicial District Court  
Gregg County, Texas  
Trial Court No. 37,946-A

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

A jury convicted Billy R. Belgard of one count of aggravated sexual assault of a child and one count of indecency with a child and assessed his punishment at fifty-four years' imprisonment for the first count and twenty years' imprisonment for the second count.<sup>1</sup> Belgard filed his notice of appeal August 5, 2009.

This Court has now been informed that Belgard has died.

The death of an appellant during the pendency of his appeal deprives this Court of jurisdiction. TEX. R. APP. P. 7.1(a)(2); *Whitmire v. State*, 943 S.W.2d 894 (Tex. Crim. App. 1997); *Rheinlander v. State*, 918 S.W.2d 527, 528 (Tex. Crim. App. 1996).

Accordingly, we permanently abate this appeal.

Bailey C. Moseley  
Justice

Date Submitted: February 22, 2010  
Date Decided: February 23, 2010

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<sup>1</sup>This appeal is a companion appeal to cause number 06-09-00151-CR, in which Belgard was convicted of two counts of aggravated sexual assault of a child and was sentenced to life imprisonment.