

Abated and Opinion filed April 5, 2001.



In The

Fourteenth Court of Appeals

NO. 14-01-00014-CR

CALVIN JOE TURNER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 248th District Court
Harris County, Texas
Trial Court Cause No. 859,667**

MEMORANDUM OPINION

On March 28, 2001, this court was formally notified of appellant's death and furnished a copy of the clerk's record stating that appellant was deceased. The death of an appellant during the pendency of an appeal deprives this court of jurisdiction. *See Ryan v. State*, 891 S.W.2d 275 (Tex. Crim. App. 1994). When an appellant dies after an appeal is perfected but before this court issues the mandate, the appeal is to be permanently abated. *See* TEX. R. APP. P. 7.1(a)(2).

Accordingly, we order the appeal permanently abated.

PER CURIAM

Opinion filed April 5, 2001.

Panel consists of Justices Fowler, Yates, and Wittig.

Do not publish – TEX. R. APP. P. 47.3(b).