

Opinion issued October 4, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00559-CR

JOSE QUIROZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 263rd District Court
Harris County, Texas
Trial Court Cause No. 1296576

MEMORANDUM OPINION

On June 12, 2012, the trial court sentenced appellant, Jose Quiroz, and he filed a notice of appeal. On July 12, 2012, appellant timely filed a motion for new trial which the trial court granted on August 24, 2012. The granting of a motion

for new trial restores the case to its position before the former trial. *See* TEX. R. APP. P. 21.9(b). The appeal was rendered moot by the order granting a new trial. *See* TEX. R. APP. P. 21.9(b). Therefore, appellant has filed a motion to dismiss the appeal. *See* TEX. R. APP. P. 42.2.

Accordingly, we grant appellant's motion and dismiss the appeal as moot. *See* TEX. R. APP. P. 43.2(f). We dismiss any pending motions as moot.

We direct the Clerk to issue the mandate within 10 days of the date of this opinion. *See* TEX. R. APP. P. 18.1(c).

PER CURIAM

Panel consists of Justices Keyes, Massengale, and Brown.

Do not publish. TEX. R. APP. P. 47.2(b).