

Opinion issued December 13, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00605-CR

ALEJANDRO LOPEZ VILLEGAS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 9
Harris County, Texas
Trial Court Cause No. 1808792**

MEMORANDUM OPINION

On June 21, 2012, the trial court sentenced appellant, Alejandro Lopez Villegas, and he filed a notice of appeal. On July 20, 2012, appellant timely filed a motion for new trial which the trial court granted on September 4, 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). Appellant has filed a motion to dismiss the appeal because the motion for new trial was granted. *See* TEX. R. APP. P. 42.2. Although the appellant did not sign the motion to dismiss, the appeal was rendered moot by the order granting a new trial. *See* TEX. R. APP. P. 21.9(b).

Accordingly, we 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Do not publish.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).