



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-20-00147-CR

THEIN QUANG, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 211th District Court
Denton County, Texas
Trial Court No. F18-794-431

Before Bassel, Womack, and Wallach, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Based on the State's brief and an agreed motion, we abated this appeal to the trial court to consider and rule on an out-of-time motion for new trial. We stated that if Quang filed a motion for new trial in the trial court within thirty days and the trial court granted it, we would dismiss this appeal. We have received a supplemental clerk's record showing that Quang filed a motion for new trial and that the trial court granted it.

The effect of the trial court's order granting Quang a new trial is that this case is restored to its position before the former trial. *See* Tex. R. App. P. 21.9(b); *Shipp v. State*, Nos. 02-17-00362-CR, 02-17-00363-CR, 2019 WL 153767, at *1 (Tex. App.—Fort Worth Jan. 10, 2019, no pet.) (mem. op., not designated for publication); *Avery v. State*, No. 05-04-00365-CR, 2005 WL 2031751, at *1 (Tex. App.—Dallas Aug. 24, 2005, no pet.) (mem. op., not designated for publication). Because there is now no sentence to appeal, we lack jurisdiction over this appeal. *See Shipp*, 2019 WL 153767, at *1; *Avery*, 2005 WL 2031751, at *1. Accordingly, we dismiss this appeal for want of jurisdiction. *See* Tex. R. App. P. 43.2(f); *Shipp*, 2019 WL 153767, at *1; *Avery*, 2005 WL 2031751, at *1.

The State's brief also requested, as agreed to by Quang, that we expedite the issuance of the mandate in this case. Because the request, which we construe as an agreed motion, demonstrates good cause to expedite issuance of the mandate, we

grant the motion, and the Clerk of this Court is directed to issue the mandate immediately. *See* Tex. R. App. P. 18.1(c).

Per Curiam

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Tex. R. App. P. 47.2(b)

Delivered: August 5, 2021