



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-13-00046-CR

GERALD RAY BARROW, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the County Court
Hale County, Texas
Trial Court No. 2012C-427, Honorable Bill Coleman, Presiding

May 14, 2013

ORDER OF ABATEMENT

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

Appellant Gerald Barrow filed a notice of appeal challenging his conviction and sentence for family violence assault causing bodily injury. He also filed in the trial court a motion for new trial, and by order signed April 17, 2013, the trial court granted appellant's motion for new trial. In a letter to the parties, we questioned our continuing appellate jurisdiction in the case. Appellant responded with a motion requesting we abate the appeal until after the deadline for the State to file a notice of appeal from the

trial court's order or the disposition of the State's appeal. On May 3, 2013, the State filed a notice of appeal. See *State v. Barrow*, No. 07-13-0147-CR.

We therefore abate this appeal, case number 07-13-0046-CR, until reinstated by order of this Court. See *Mathews v. State*, No. 05-11-00490-CR, No. 05-11-00491-CR, No. 05-11-00492-CR, No. 05-11-00493-CR, 2013 Tex. App. Lexis 3089 (Tex.App.--Dallas Mar. 21, 2013, n.p.h.) (mem. op., not designated for publication) (abating defendant's appeals during pendency of State's appeals of orders granting new trials).

It is so ordered.

Per Curiam

Do not publish.