



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

No. 07-13-0048-CV

IN RE D.B., K.B., AND I.B., CHILDREN

On Appeal from the 242nd District Court
Hale County, Texas
Trial Court No. B9405-1111, Honorable Ed Self, Judge Presiding

March 20, 2013

MEMORANDUM OPINION

Before Quinn, CJ., and Campbell and Pirtle, JJ.

Appellant, O.G.,¹ perfected this accelerated appeal from the trial court's order terminating her parental rights to her children, D.B., K.B. and I.B. Within its plenary jurisdiction, on February 22, 2013, the trial court signed an order granting Appellant's *Motion for New Trial*.

The legal effect of an order granting a new trial is to vacate the original judgment or order and return the case to the trial court as if no judgment or order had been

¹To protect the parent's and child's privacy, we refer to them by their initials. See TEX. FAM. CODE ANN. § 109.002(d) (WEST 2008). See also TEX. R. APP. P. 9.8(b).

entered. See *Old Republic Ins. Co. v. Scott*, 846 S.W.3d 832, 833 (Tex. 1993). See also *Markowitz v. Markowitz*, 118 S.W.3d 82, 88 (Tex.App.—Houston [14th Dist.] 2003, pet. denied); *Long John Silver's, Inc. v. Martinez*, 850 S.W.2d 773, 777 (Tex.App.—San Antonio 1993, writ dismissed w.o.j.). Thus, there is no final judgment or order from which an appeal may be prosecuted in this case.

Accordingly, the appeal is dismissed and our mandate will issue forthwith.

Patrick A. Pirtle
Justice