

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00235-CR

Jonathan Ray Gray, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 72768, HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Jonathan Ray Gray has filed a motion to dismiss this appeal, advising that the district court has since granted him a new trial, rendering this appeal moot.¹ The record, which contains the district court's order granting the motion for new trial, confirms Gray's assertions. Accordingly, we grant Gray's motion and dismiss the appeal for want of jurisdiction.²

¹ *See* Tex. R. App. P. 21.9(b).

² *See* Tex. R. App. P. 43.2(f). In his motion to dismiss, Gray also prays that we remand the cause to the district court for new trial. The need for such additional relief was itself rendered moot by the district court's order granting a new trial, which served to "restore[] the case to its position before the former trial." *See* Tex. R. App. P. 21.9(b).

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Dismissed for Want of Jurisdiction

Filed: August 28, 2015

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