



NUMBER 13-09-00465-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

WILLIAM GILL,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 214th District Court
of Nueces County, Texas.**

MEMORANDUM OPINION

**Before Justices Rodriguez, Garza, and Benavides
Memorandum Opinion Per Curiam**

Appellant, William Gill, filed a notice of appeal challenging his conviction for intoxication manslaughter. By order signed October 9, 2009, the trial court granted appellant's motion for new trial.

When the trial court grants a motion for new trial, it restores the case to its position before the former trial. See TEX. R. APP. P. 21.9(b). Because there is no conviction to be

appealed, we have no jurisdiction to consider this appeal. See *Waller v. State*, 931 S.W.2d 640, 643-44 (Tex. App.–Dallas 1996, no pet.).

The Court, having examined and fully considered the documents on file and the trial court's order granting a new trial, is of the opinion that the appeal should be dismissed for want of jurisdiction. See *id.* The appeal is hereby DISMISSED FOR WANT OF JURISDICTION.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).
Delivered and filed the
28th day of January, 2010.