



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

AYOADE ADEYINKA,	§	No. 08-19-00030-CR
	§	
Appellant,	§	Appeal from the
	§	
V.	§	County Criminal Court No. 3
	§	
THE STATE OF TEXAS,	§	of Denton County, Texas
	§	
Appellee.	§	(TC# CR-2017-07343-C)
	§	

**MEMORANDUM OPINION**

Appellant, Ayoade Adeyinka, is attempting to appeal his conviction of theft. On December 14, 2018, Appellant filed a *pro se* notice of appeal. The trial court granted Appellant's motion for new trial on December 18, 2018.

The granting of a motion for new trial restores the case to its position before the former trial. *See* TEX.R.APP.P. 21.9(b). As a result, there is no longer an appealable judgment of conviction and the appeal has been rendered moot by the order granting Appellant a new trial. The appeal is dismissed for lack of jurisdiction. *See Waller v. State*, 931 S.W.2d 640, 643-44 (Tex.App.—Dallas 1996, no pet.)(dismissing appeal for want of jurisdiction after motion for new trial granted because no sentence to be appealed).

February 5, 2019

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.

(Do Not Publish)