



In The

Eleventh Court of Appeals

No. 11-16-00362-CR

DAN ROSS OLIN, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 35th District Court
Brown County, Texas
Trial Court Cause No. CR24367**

MEMORANDUM OPINION

Dan Ross Olin, Jr., filed an appeal from his December 9, 2016 conviction for the offense of continuous sexual abuse of a young child. After Appellant filed this appeal, the trial court granted Appellant's motion for new trial. We dismiss this appeal without prejudice.

On February 21, 2017, the trial court timely signed an order in which it set aside Appellant's conviction and granted a new trial in this case. *See* TEX. R. APP. P. 21.8. "Granting a new trial restores the case to its position before the former

trial.” TEX. R. APP. P. 21.9(b). Thus, Appellant has been returned to a position in which there is no judgment of conviction from which to appeal. Consequently, no final, appealable judgment remains over which this court currently has jurisdiction. This dismissal does not in any way prejudice Appellant’s right to file a notice of appeal in this cause in the future.

We dismiss this appeal for want of jurisdiction.

PER CURIAM

February 24, 2017

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.