

**Dismiss and Opinion Filed March 21, 2013.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-11-00490-CR  
No. 05-11-00491-CR  
No. 05-11-00492-CR  
No. 05-11-00493-CR**

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**DIONTE MATTHEWS, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 6  
Dallas County, Texas  
Trial Court Cause Nos. F07-51260-X, F07-73298-X, F08-51985-X, F10-00641-X**

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**MEMORANDUM OPINION**

**Before Justices Moseley, O'Neill, and Lewis  
Opinion by Justice Moseley**

Dionte Matthews was convicted, following adjudication of his guilt, of possession of cocaine in an amount less than one gram; aggravated assault with a deadly weapon; and possession of marijuana in an amount of five pounds or less but more than four ounces. Appellant was also convicted, following a jury trial, of capital murder. Punishment was assessed at life imprisonment for the capital murder; one year's confinement in a state jail for the cocaine and marijuana offenses; and twenty years' imprisonment for the aggravated assault. Appellant filed a motion for new trial and a notice of appeal in each case. The trial court granted appellant

a new trial in each case, which the State appealed. We abated the above appeals pending disposition of the State's appeals of the orders granting appellant new trials.<sup>1</sup>

On August 28, 2012, we affirmed the trial court's orders granting the motions for new trial, and the Texas Court of Criminal Appeals refused the State's petitions for discretionary review on February 13, 2013. *See State v. Matthews*, No. 05-11-00548-CR, 2012 WL 3668203 (Tex. App.—Dallas Aug. 28 2012, pet. ref'd) (not designated for publication). We thereafter sent the parties a letter directing them to notify the Court by March 11, 2013 of why the above appeals should not be reinstated and dismissed. Appellant's counsel responded that she knew of no reason why the appeals should not be reinstated and dismissed. The State also responded that the appeals should be dismissed.

The orders granting appellant new trials restored the cases to their position before the former trial and there are no longer judgments in place. *See* TEX. R. APP. P. 21.9(b); *Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.). Absent judgments of conviction, we have no jurisdiction over the appeals. *See Waller*, 931 S.W.3d at 644.

We dismiss the appeals for want of jurisdiction.

/Jim Moseley/  
JIM MOSELEY  
JUSTICE

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<sup>1</sup> The State's appeals were docketed as cause nos. 05-11-00548-CR through 05-11-00551-CR, *The State of Texas v. Donte Matthews*.



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DIONTE MATTHEWS, Appellant

No. 05-11-00490-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 6, Dallas County, Texas

Trial Court Cause No. F07-51260-X.

Opinion delivered by Justice Moseley,

Justices O'Neill and Lewis participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 21st day of March, 2013.

/Jim Moseley/

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JIM MOSELEY

JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DIONTE MATTHEWS, Appellant

No. 05-11-00491-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court  
No. 6, Dallas County, Texas

Trial Court Cause No. F07-73298-X.

Opinion delivered by Justice Moseley,  
Justices O'Neill and Lewis participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 21st day of March, 2013.

/Jim Moseley/

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JIM MOSELEY  
JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DIONTE MATTHEWS, Appellant

No. 05-11-00492-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 6, Dallas County, Texas

Trial Court Cause No. F08-51985-X.

Opinion delivered by Justice Moseley,

Justices O'Neill and Lewis participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 21st day of March, 2013.

/Jim Moseley/

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JIM MOSELEY

JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DIONTE MATTHEWS, Appellant

No. 05-11-00493-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court  
No. 6, Dallas County, Texas

Trial Court Cause No. F10-00641-X.

Opinion delivered by Justice Moseley,  
Justices O'Neill and Lewis participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered this 21st day of March, 2013.

/Jim Moseley/

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JIM MOSELEY  
JUSTICE