

**DISMISS; and Opinion Filed March 27, 2013.**



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

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**No. 05-13-00393-CR**

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**JAMES LAWRENCE COPELAND, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 363rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F11-58889-W**

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**MEMORANDUM OPINION**

**Before Justices Lang-Miers, Murphy, and Fillmore  
Opinion by Justice Lang-Miers**

James Lawrence Copeland was convicted of aggravated assault with a deadly weapon involving family violence and sentenced to thirty years' imprisonment. On March 12, 2013, the trial court granted appellant's motion for new trial. We now have before us appellant's motion to dismiss the appeal because the motion for new trial was granted. We conclude we lack jurisdiction over the appeal.

An order granting a new trial restores the case to its position before the former trial and there is no longer a judgment 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 a judgment of conviction we have no jurisdiction over the appeal. We grant appellant's motion to dismiss.

We dismiss the appeal for want of jurisdiction.

/Elizabeth Lang-Miers/  
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ELIZABETH LANG-MIERS  
JUSTICE

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TEX. R. APP. P. 47

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

**JUDGMENT**

JAMES LAWRENCE COPELAND,  
Appellant

No. 05-13-00393-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 363rd Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. F11-58889-W.  
Opinion delivered by Justice Lang-Miers,  
Justices Murphy and Fillmore participating.

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

Judgment entered this 27<sup>th</sup> day of March, 2013.

/Elizabeth Lang-Miers/

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ELIZABETH LANG-MIERS  
JUSTICE