Dismissed and Opinion Filed October 2, 2014.

In The

Court of Appeals
Fifth District of Texas at Dallas

No. 05-14-01020-CR

JOSE RAMIRO DELAROSA, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F14-52888-T

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Francis and Myers
Opinion by Justice Myers

Jose Ramiro Delarosa was convicted of unauthorized use of a motor vehicle and sentenced to 18 months' confinement in a state jail. Sentence was imposed in open court on July 9, 2014. Appellant filed a motion for new trial on August 6, 2014, which the trial court granted. The Court has before it appellant's motion to dismiss the appeal stating the trial court granted his motion for new trial. The State, in response, asks that we abate the appeal for findings regarding whether the trial court intended to grant a new trial. We deny the State's motion to abate.

An order granting a motion for new trial restores a 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 or other appealable order, this Court has no jurisdiction over an appeal. *See Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

Accordingly, we grant appellant's motion and dismiss the appeal for want of jurisdiction.

/Lana Myers/
LANA MYERS
JUSTICE

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TEX. R. APP. P. 47
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Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

JOSE RAMIRO DELAROSA, Appellant

No. 05-14-01020-CR   V.

THE STATE OF TEXAS, Appellee

On Appeal from the 283rd Judicial District Court, Dallas County, Texas
Trial Court Cause No. F14-52888-T.
Opinion delivered by Justice Myers, Chief Justice Wright and Justice Francis participating.

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

Judgment entered this 2nd day of October, 2014.