

**DISMISS; and Opinion Filed April 27, 2017.**



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

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**No. 05-17-00219-CR**

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**JEFFREY DANO, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court at Law No. 4  
Collin County, Texas  
Trial Court Cause No. 004-84693-2016**

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**MEMORANDUM OPINION**

Before Justices Fillmore, Whitehill, and Boatright  
Opinion by Justice Fillmore

Jeffrey Dano was charged with possession of two ounces or less of marijuana. TEX. HEALTH & SAFETY CODE ANN. § 481.121(a), (b)(1) (West 2010). On January 31, 2017, after the jury found Dano guilty, the trial court assessed punishment at thirty days' confinement in county jail, probated for twelve months, and a \$200 fine. Dano filed a motion for new trial on February 20, 2017. TEX. R. APP. P. 21.4(a) (motion for new trial due within 30 days of date sentence imposed or suspended in open court). The trial court granted Dano's motion for new trial by written order dated March 30, 2017. TEX. R. APP. P. 21.8(a), (b) (trial court order granting motion for new trial must be written and entered within 75 days of date sentence imposed or suspended in open court).

An order granting a motion for new trial restores the case to its posture prior to trial, and the judgment is no longer in place to appeal. 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, there is nothing before the Court over which we have jurisdiction. *See Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.–Dallas 1998, no pet.).

We dismiss this appeal for want of jurisdiction.

/Robert M. Fillmore/  
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ROBERT M. FILLMORE  
JUSTICE

Do Not Publish  
TEX. R. APP. P. 47.2(b)

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

**JUDGMENT**

JEFFREY DANO, Appellant

No. 05-17-00219-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law  
No. 4, Collin County, Texas,  
Trial Court Cause No. 004-84693-2016.  
Opinion delivered by Justice Fillmore,  
Justices Whitehill and Boatright  
participating.

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

Judgment entered this 27th day of April, 2017.