

**DISMISS and Opinion Filed May 27, 2021**



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

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**No. 05-21-00028-CR**

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**SOUPHONH HONGKEO, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 2  
Dallas County, Texas  
Trial Court Cause No. F19-45408-I**

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**MEMORANDUM OPINION**

Before Justices Schenck, Reichel, and Carlyle  
Opinion by Justice Reichel

Souphonh Hongkeo filed his notice of appeal on January 12, 2021. After the clerk's record was filed, we notified appellant we had concerns over our jurisdiction in light of the fact the trial court granted a motion for new trial. *See* TEX. R. APP. P. 21.9(a)-(b) (authorizing trial court to grant motion for new trial and explaining that “[g]ranteeing a new trial restores the case to its position before the former trial”); *Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.).

We instructed appellant to file a motion to dismiss with this Court. To date, appellant has not responded. On the Court's own motion, we dismiss this appeal for want of jurisdiction.

We direct the Clerk to issue the mandate immediately.

/Amanda L. Reichek/  
AMANDA L. REICHEK  
JUSTICE

Do Not Publish  
TEX. R. APP. P. 47.2(b)  
210028F.U05



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

**JUDGMENT**

SOUPHONH HONGKEO, Appellant

No. 05-21-00028-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District  
Court No. 2, Dallas County, Texas  
Trial Court Cause No. F19-45408-I.  
Opinion delivered by Justice  
Reichek. Justices Schenck and  
Carlyle participating.

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

Judgment entered May 27, 2021