

Dismiss and Opinion Filed August 26, 2022



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-22-00227-CR

No. 05-22-00228-CR

RUBEN ARTURO LARAALVARADO, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F20-61117-U & F20-61118-U

MEMORANDUM OPINION

Before Justices Myers, Carlyle, and Goldstein

Opinion by Justice Myers

Ruben Arturo Laraalvarado appeals his convictions for intoxication manslaughter and failure to stop and render aid. His appointed counsel filed a motion for new trial in each case. On May 20, 2022, the trial court adopted appellant's proposed findings of fact and granted his motions for new trial. The State filed notices of appeal, seeking to challenge the trial court's order. Those appeals were assigned cause numbers 05-22-00592-CR and 05-22-00593-CR and are styled *The State of Texas v. Ruben Arturo Laraalvarado*.

On August 1, 2022, we asked the parties in these appeals how the Court had jurisdiction in light of the trial court’s order granting appellant’s motions for new trial. *See* TEX. R. APP. P. 21.9. Neither party responded.

Rule 21.9 provides, “Granting a motion for new trial restores the case to its position before the former trial, including, at any party’s option, arraignment or pretrial proceedings initiated by that party.” TEX. R. APP. P. 21.9. The rule recognizes that a new trial restores the case not merely to the beginning of trial, but much earlier, to the beginning stages of the prosecution. *Id.* Following the grant of the motions for new trial, there are no judgments of conviction or other appealable orders left in the cases. It follows that appellant’s notices of appeal from the previous judgments of conviction are no longer effective. Under these circumstances, we conclude we have no jurisdiction to consider these appeals. *See Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.); *Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.).

We dismiss these appeals.

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TEX. R. APP. P. 47.2(b)

/Lana Myers//
LANA MYERS
JUSTICE



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

JUDGMENT

RUBEN ARTURO
LARAALVARADO, Appellant

No. 05-22-00227-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F20-61117-U.
Opinion delivered by Justice Myers.
Justices Carlyle and Goldstein
participating.

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

Judgment entered this 26th day of August, 2022.



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

JUDGMENT

RUBEN ARTURO LARA-
ALVARADO, Appellant

No. 05-22-00228-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F20-61118-U.
Opinion delivered by Justice Myers.
Justices Carlyle and Goldstein
participating.

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

Judgment entered this 26th day of August, 2022.