

Opinion issued October 29, 2015



In The  
**Court of Appeals**  
For The  
**First District of Texas**

---

NO. 01-15-00554-CR

---

**EDWARD LEE BRANCH, Appellant**  
V.  
**THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the 177th District Court  
Harris County, Texas  
Trial Court Case No. 1380251**

---

---

**MEMORANDUM OPINION**

A jury found appellant, Edward Lee Branch, guilty of the felony offense of aggravated sexual assault of a child under the age of fourteen and assessed punishment at confinement for life. The trial court imposed sentence on June 15,

2015. Appellant filed a notice of appeal and, on July 15, 2015, timely filed a motion for new trial, which the trial court granted on August 31, 2015.

The granting of a motion for new trial restores the case to its position before the former trial. *See* TEX. R. APP. P. 21.9(b). Because there is no conviction to be appealed, we have no jurisdiction to consider appellant's appeal. *See Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.). The appeal was rendered moot by the order granting a new trial. *See* TEX. R. APP. P. 21.9(b).

Accordingly, we dismiss the appeal as moot. *See* TEX. R. APP. P. 43.2(f). We dismiss all pending motions as moot.

We direct the Clerk of this Court to issue the mandate within ten days of the date of this opinion. *See* TEX. R. APP. P. 18.1.

### **PER CURIAM**

Panel consists of Justices Jennings, Higley, and Brown.

Do not publish. TEX. R. APP. P. 47.2(b).