

Opinion issued July 12, 2016



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

---

NO. 01-16-00198-CR

---

**CHARLES DWAYNE FAULK, Appellant**  
V.  
**THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the 185th District Court**  
**Harris County, Texas**  
**Trial Court Case No. 1476053**

---

---

**MEMORANDUM OPINION**

A jury found appellant, Charles Dwayne Faulk, guilty of the felony offense of aggravated robbery with a deadly weapon and assessed punishment at confinement for fifty years.<sup>1</sup> The trial court imposed sentence on February 26, 2016. Appellant

---

<sup>1</sup> TEX. PENAL CODE ANN. § 29.03(a)(2) (Vernon 2011).

filed a notice of appeal and, on March 24, 2016, timely filed a motion for new trial. *See* TEX. R. APP. P. 21.4(a). The trial court granted the motion on May 6, 2016. *See* TEX. R. APP. P. 21.8(a).

The granting of a motion for new trial restores the case to its position before the former trial and renders the appeal moot. *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.).

Accordingly, we dismiss the appeal for lack of jurisdiction. *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 Chief Justice Radack and Justices Jennings and Lloyd.

Do not publish.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