

Dismissed and Memorandum Opinion filed March 4, 2010.



In The

Fourteenth Court of Appeals

NO. 14-09-00189-CR

RICHARD MORENO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 184th District Court
Harris County, Texas
Trial Court Cause No. 1097436**

MEMORANDUM OPINION

Appellant was convicted of aggravated sexual assault of a child and filed this appeal. Subsequently, the trial court granted appellant's motion for new trial.

Generally, we only have jurisdiction to consider an appeal by a criminal defendant when there has been a final judgment of conviction. *See Workman v. State*, 170 Tex. Crim. 621, 343 S.W.2d 446, 447 (1961); *McKown v. State*, 915 S.W.2d 160, 161 (Tex. App. – Fort Worth 1996, no pet.). Because appellant has been granted a new trial, there is no final conviction to appeal.

Accordingly, we dismiss the appeal.

PER CURIAM

Panel consists of Justices Frost, Boyce, and Sullivan.

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