

**Motion Granted; Appeal Dismissed and Memorandum Opinion filed
November 21, 2023.**



**In The
Fourteenth Court of Appeals**

NO. 14-23-00480-CR

CODY ROBICHAU, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 1738959**

MEMORANDUM OPINION

This is an appeal from a conviction of two charges of possession with intent to deliver a controlled substance. Appellant timely filed his notice of appeal and timely filed a motion for new trial. On August 30, 2023, the trial court granted the motion for new trial. On November 2, 2023, appellant filed a motion to dismiss for

lack of jurisdiction. The granting of a new trial restores the case to its position before the former trial. *See* Tex. R. App. Pro. 21.9(b). The granting of a new trial restores the case to its position after the defendant was found guilty *See* Tex. R. App. Pro. 21.9(c). The appeal is moot, and the motion is granted.

We dismiss the appeal.

PER CURIAM

Panel consists of Chief Justice Christopher, Justices Wise and Jewell.

Do Not Publish — Tex. R. App. P. 47.2(b).