

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-10-00163-CR

Christopher **HESS**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 226th Judicial District Court, Bexar County, Texas  
Trial Court No. 2002CR3416  
Honorable Sid L. Harle, Judge Presiding

PER CURIAM

Sitting: Phylis J. Speedlin, Justice  
Rebecca Simmons, Justice  
Steven C. Hilbig, Justice

Delivered and Filed: March 10, 2010

DISMISSED AS MOOT

After appellant filed a notice of appeal seeking to appeal the trial court's order adjudicating his guilt, the trial court granted appellant's motion for new trial. Granting a new trial restores the case to the position before the former trial. TEX. R. APP. P. 21.9(b). Accordingly, this appeal is dismissed as moot.

PER CURIAM

DO NOT PUBLISH