



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-15-00300-CR

Jose Miguel **ROMO**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the County Court at Law No. 11, Bexar County, Texas  
Trial Court No. 469039  
The Honorable Tommy Stolhandske, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: July 8, 2015

DISMISSED AS MOOT

Appellant pled nolo contendere to the offense of indecent exposure. After he filed a pro se notice of appeal, his counsel timely filed a motion for new trial. In the motion, counsel claimed appellant did not understand the nature of his plea or its consequences. Accordingly, counsel asked the trial court to grant a new trial. On June 1, 2015, a supplemental clerk's record was filed in this court. In that supplemental clerk's record is an order signed by the trial court granting appellant's motion for new trial. In light of the trial court's order, we ordered appellant to file a response showing cause as to why we should not dismiss the appeal as moot. We advised appellant that if

he did not file a timely, satisfactory response, we would dismiss the appeal as moot. *See* TEX. R. APP. P. 43.2(f). Appellant did not file a response.

Pursuant to Rule 21.1, a “new trial” is defined as the rehearing of a criminal action after the trial court has, on the defendant’s motion, set aside a finding or verdict of guilt. TEX. R. APP. P. 21.1(a). The granting of a motion for new trial restores a case to its position before the original trial and, therefore, renders any appeal moot. *See id.* R. 21.9(b).

Accordingly, we dismiss the appeal as moot. *Id.* R. 43.2(f).

PER CURIAM

DO NOT PUBLISH