

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00437-CR

THE STATE OF TEXAS, Appellant

V.

TYRUS DOCTOR, Appellee

On Appeal from the County Court at Law No. 2
Jefferson County, Texas
Trial Cause No. 284052

MEMORANDUM OPINION

Tyrus Doctor filed a notice of appeal of his conviction in Trial Cause No. 284052. The trial court granted a motion for new trial while the court maintained plenary power over the case. *See* Tex. R. App. P. 21.8(a). On September 22, 2011, this Court notified the parties that unless our jurisdiction over the appeal was established, the appeal would be dismissed for lack of jurisdiction. No reply has been filed.

The State subsequently filed a notice of appeal of the trial court's order granting Doctor's motion for new trial. On October 19, 2011, the State filed a motion to dismiss its appeal. The State's request to dismiss the appeal is signed by the District Attorney

personally. No response to the State's request has been filed. No opinion has issued in this appeal.

Doctor's notice of appeal invoked the Court's appellate jurisdiction to review a judgment of conviction that has been vacated. The Court finds it lacks jurisdiction over Doctor's appeal. In addition, the State's motion to dismiss its appeal is granted.

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Opinion Delivered November 9, 2011
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.