

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00050-CR

LEEJAY EMANUEL CHARGOIS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 12-14299

MEMORANDUM OPINION

Leejay Emanuel Chargois has filed a motion to dismiss his appeal. Chargois’s motion shows that the trial court granted Chargois’s motion for new trial while the court retained plenary power over the case. *See* Tex. R. App. P. 21.8(a). No reply has been filed. The Court lacks jurisdiction over the appeal, because the trial court granted a new trial. *See* Tex. R. App. P. 21.9(b) (“Granting a new trial restores the case to its position before the former trial, including, at any

party's option, arraignment or pretrial proceedings initiated by that party.”).

Accordingly, the appeal is dismissed.

APPEAL DISMISSED.

DAVID GAULTNEY
Justice

Opinion Delivered April 24, 2013
Do Not Publish

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