

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00494-CR

KRISTOFER GARCIA, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 15-22134

MEMORANDUM OPINION

On December 21, 2016, Kristofer Garcia filed notice of appeal of his conviction in Trial Cause No. 15-22134. The trial court granted a motion for new trial while it maintained plenary power over the case. *See* Tex. R. App. P. 21.8(a). On January 17, 2017, we 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 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 the appeal. Accordingly, we dismiss the appeal. The State of Texas filed a motion to have the mandate issue immediately, and Garcia's counsel has indicated that he does not object. Therefore, the motion to issue the mandate early is granted, and we direct the clerk of the Court of Appeals to issue the mandate immediately. *See* Tex. R. App. P. 18.1(c).

APPEAL DISMISSED.

STEVE McKEITHEN
Chief Justice

Submitted on February 21, 2017
Opinion Delivered February 22, 2017
Do Not Publish

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