

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00192-CR

RANDY BAUER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 253rd District Court
Liberty County, Texas
Trial Cause No. CR32082**

MEMORANDUM OPINION

The trial court sentenced Randy Bauer on May 3, 2018. On June 22, 2018, the trial court granted Bauer’s motion for new trial. On June 27, 2018, Bauer’s counsel filed a motion to dismiss the appeal because the trial court granted Bauer’s motion for new trial. “Granting a new trial restores the case to its position before the former trial[.]” *See* Tex. R. App. P. 21.9(b). Because there is no final, appealable judgment, we lack jurisdiction over the appeal. *See Waller v. State*, 931 S.W.2d 640, 643-44 (Tex. App.–Dallas 1996, no pet.). Because the trial court has granted a new trial, we

suspend the requirement that the appellant personally sign the motion to dismiss. *See* Tex. R. App. P. 2; *see also* Tex. R. App. P. 42.2(a). Accordingly, the appeal is dismissed. *See* Tex. R. App. P. 43.2(f).

APPEAL DISMISSED.

LEANNE JOHNSON
Justice

Submitted on July 24, 2018
Opinion Delivered July 25, 2018
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.