



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-17-00362-CR
No. 02-17-00363-CR

MATTHEW AYRTON SHIPP, Appellant

v.

THE STATE OF TEXAS

On Appeal from the 432nd District Court
Tarrant County, Texas
Trial Court Nos. 1485913D, 1498473D

Before Gabriel, Kerr, and Pittman, JJ.
Memorandum Opinion by Justice Gabriel

MEMORANDUM OPINION

After granting appellant Matthew Ayrton Shipp four extensions of his deadline to file his brief, we abated these appeals to the trial court for it to determine, among other things, whether he desired to prosecute these appeals. The State subsequently filed a motion in this court requesting that we expand our abatement order to authorize the trial court to consider and rule upon an out-of-time motion for new trial. We granted that motion and stated that if Shipp filed a motion for new trial in the trial court within thirty days and the trial court granted it, we would dismiss these appeals. We have received a supplemental clerk's record showing that Shipp filed a motion for new trial, that the trial court granted it, and that the trial court set aside and vacated the judgments and convictions that are the subject of these appeals

The effect of the trial court's order granting Shipp a new trial and vacating the judgments and convictions is that these cases are restored to their positions before the former trial. *See* Tex. R. App. P. 21.9(b); *Avery v. State*, No. 05-04-00365-CR, 2005 WL 2031751, at *1 (Tex. App.—Dallas Aug. 24, 2005, no pet.) (mem. op., not designated for publication). Since there is now no sentence to appeal, we lack jurisdiction over these appeals. *See* Tex. R. App. P. 26.2(a); *Avery*, 2005 WL 2031751, at *1. Accordingly, we dismiss these appeals for want of jurisdiction. *See* Tex. R. App. P. 43.2(f); *Avery*, 2005 WL 2031751, at *1.

On December 19, 2018, the State filed a motion asking us to expedite the issuance of the mandates in these cases. Because the motion demonstrates good

cause to expedite issuance of the mandates, we grant the motion, and the Clerk of this Court is directed to issue the mandates immediately. *See* Tex. R. App. P. 18.1(c).

/s/ Lee Gabriel
Lee Gabriel
Justice

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Tex. R. App. P. 47.2(b)

Delivered: January 10, 2019