

NO. 07-01-0464-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL D  
FEBRUARY 12, 2002

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MICHAEL LEE MARTIN,  
Appellant

v.

THE STATE OF TEXAS,  
Appellee

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FROM THE 181<sup>ST</sup> DISTRICT COURT OF POTTER COUNTY;  
NO. 12,875-B; HON. JOHN BOARD, PRESIDING

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Before Boyd, C.J., Quinn and Reavis, J.J.

Michael Lee Martin appealed his conviction for indecency with a child. Prior thereto and within the time allotted for doing so, he also moved for a new trial. Furthermore, within 75 days of the day sentence was imposed, the trial court granted same. This resulted in the cause being restored to its position before former trial, TEX. R. APP. P. 21.9, and, we have no jurisdiction over the appeal. *Waller v. State*, 931 S.W.2d 640, 643-44 (Tex. App.—Dallas 1996, no writ).

Consequently, the appeal is dismissed for want of jurisdiction.

Brian Quinn  
Justice

Do not publish.