

NO. 07-04-0275-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
JULY 7, 2004

SADIE RAYNE WILLIAMS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE COUNTY COURT AT LAW NO. 2 OF POTTER COUNTY;
NO. 105,893; HONORABLE PAMELA COOK SIRMON, JUDGE

Before JOHNSON, C.J., and REAVIS and CAMPBELL, JJ.

MEMORANDUM OPINION

After appellant Sadie Rayne Williams filed a notice of appeal challenging her conviction, on June 2, 2004, the trial court signed an order granting her motion for new trial. Pending before this Court is appellant's motion to dismiss her appeal which is accompanied by a certified copy of the trial court's order. We grant the motion.

The granting of a motion for new trial in a criminal case is governed by Rule 21.9 of the Texas Rules of Appellate Procedure. The legal effect of granting the motion restores the case to its position before the former trial. See *State v. Bates*, 889 S.W.2d 306, 310 (Tex.Cr.App. 1994); see *also* *Waller v. State* 931 S.W.2d 640, 643 (Tex.App.–Dallas 1996, no pet.).

Accordingly, the appeal is dismissed and the Clerk of this Court is directed to issue mandate.

Don H. Reavis
Justice

Do not publish.