

NO. 07-07-0360-CR
NO. 07-07-0361-CR
NO. 07-07-0362-CR

IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
OCTOBER 15, 2007

BRODERICK EUGENE DAVIS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 320TH DISTRICT COURT OF POTTER COUNTY;
NOS. 50781-D, 52425-D & 52253-D; HONORABLE DON EMERSON, JUDGE

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Appellant, Broderick Eugene Davis, filed notices of appeal challenging convictions for aggravated assault with a deadly weapon, robbery, and assault. By separate orders signed September 27, 2007, the trial court granted Appellant's Motion for New Trial.

When the trial court grants a motion for new trial, it restores the case to its position before the former trial. Tex. R. App. P. 21.9(b). Because there is no conviction to be appealed, we have no jurisdiction to consider these appeals. See *Waller v. State*, 931 S.W.2d 640, 643-44 (Tex.App.–Dallas 1996, no pet.).

Consequently, the appeals are dismissed.

Patrick A. Pirtle
Justice

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