



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

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No. 07-15-00317-CR

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**JASON BOOKER, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 137th District Court  
Lubbock County, Texas  
Trial Court No. 2014-403,307, Honorable John J. "Trey" McClendon III, Presiding

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October 2, 2015

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellant, Jason Booker, filed notice of appeal from his conviction for the first degree felony offense of aggravated sexual assault of a child,<sup>1</sup> for which he received a ten year sentence. Sentence was imposed on July 16, 2015, and appellant filed a motion for new trial on July 28, 2015. The clerk's record reflects that on September 1, 2015, and within its period of plenary power, the trial court granted appellant's motion

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<sup>1</sup> See TEX. PENAL CODE ANN. § 22.021(a)(2)(B) (West 2014).

for new trial. See TEX. R. APP. P. 21.8(a) (granting trial court power after imposing sentence to rule on a 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). Without a conviction from which to appeal, we have no jurisdiction to consider appellant's appeal. See *State v. Bates*, 889 S.W.2d 306, 310 (Tex. Crim. App. 1994); *Waller v. State*, 931 S.W.2d 640, 643-44 (Tex. App.—Dallas 1996, no pet.). Accordingly, this appeal is dismissed for want of jurisdiction.

Per Curiam

Do not publish.