



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

No. 07-15-00319-CR

MICHAEL EPLIN, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 320th District Court
Potter County, Texas
Trial Court No. 70,320-D; Honorable Don Emerson, Presiding

September 18, 2015

MEMORANDUM OPINION

Before **CAMPBELL** and **HANCOCK** and **PIRTLE, JJ.**

Appellant, Michael Eplin, perfected this appeal from his conviction for evading arrest or detention with a vehicle,¹ enhanced, for which he received a twenty-five-year sentence. Sentence was imposed on July 10, 2015, and Appellant filed a *Motion for*

¹ TEX. PENAL CODE ANN. § 38.04 (West Supp. 2014).

New Trial on August 10, 2015.² Our Clerk's Record reflects that on September 3, 2015, and within its period of plenary power, the trial court granted Appellant's *Motion 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.3d 640, 643-44 (Tex. App.—Dallas 1996, no pet.). Consequently, this appeal is dismissed for want of jurisdiction.

Per Curiam

Do not publish.

² The deadline for filing a motion for new trial was August 9, 2015, but that date was a Sunday and the deadline was extended to Monday, August 10, 2015. See TEX. R. APP. P. 21.4; TEX. R. CIV. P. 4.