



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

No. 07-15-00416-CR

JOHN L. MCLAUGHLIN, JR., APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court No. 60,418-E, Honorable Douglas Woodburn, Presiding

December 29, 2015

MEMORANDUM OPINION

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

Appellant, John L. McLaughlin, Jr., attempts to appeal the trial court's judgment revoking his deferred adjudication community supervision, adjudicating him guilty of the offense of aggravated robbery,¹ and sentencing him to life imprisonment. The sentence was imposed on October 15, 2015, and appellant timely filed a motion for new trial on November 16, 2015.² See TEX. R. APP. P. 21.4(a). The record reflects that on

¹ TEX. PENAL CODE ANN. § 29.03 (West 2011).

² The 30th day after sentence was imposed was Saturday, November 14, 2015. Therefore, appellant's deadline for filing a motion for new trial was Monday, November 16, 2015. See TEX. R. APP. P. 4.1(a).

December 9, 2015, within its period of plenary power, the trial court granted appellant's motion for new trial. See TEX. R. APP. P. 21.8(a).

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 judgment of conviction from which to appeal, we have no jurisdiction to consider appellant's appeal. See *Waller v. State*, 931 S.W.2d 640, 643-44 (Tex. App.—Dallas 1996, no pet.). Consequently, this appeal is dismissed for want of jurisdiction.

Per Curiam

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