



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

No. 07-15-00325-CR

THE STATE OF TEXAS, APPELLANT

V.

STACY EDWARD LEE FROST, APPELLEE

On Appeal from the 251st District Court
Randall County, Texas
Trial Court No. 25,642-C, Honorable Ana Estevez, Presiding

February 11, 2016

MEMORANDUM OPINION

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

On August 20, 2015, appellee, Stacey Edward Lee Frost, was convicted of the offense of burglary of a habitation.¹ He was sentenced to six years' incarceration in the Institutional Division of the Texas Department of Criminal Justice, but the sentence of confinement was suspended and appellee was placed on community supervision for a period of four years. Following his conviction, appellee timely filed a motion for new trial. After holding a hearing, the trial court granted appellee's motion. The State

See TEX. PENAL CODE ANN. § 30.02 (West 2011).

appealed the trial court's granting of new trial. In his reply brief, appellee concedes that the trial court erred in granting the new trial motion. After reviewing the record in this case, this Court reverses the trial court's granting of new trial and remands the cause to the trial court for further proceedings.²

Per Curiam

Do not publish.

² After appellee filed his reply brief, the State filed a motion to accelerate disposition and to suspend operation of Texas Rules of Appellate Procedure 18.1(c) and 39.8. See TEX. R. APP. P. 18.1(c), 39.8. By this opinion, we grant the State's motion.