



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00011-CR

KENDELL PRICE CORPUS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 6th Judicial District Court
Lamar County, Texas
Trial Court No. 23211

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Appellant, Kendall Price Corpus, filed a notice of appeal on February 1, 2010, from his conviction of stalking. Corpus also filed a motion for new trial. The trial court subsequently granted that 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 from which to appeal, we have no jurisdiction to consider Corpus's appeal. *See Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.).

Consequently, Corpus's motion to dismiss is granted, and we dismiss the appeal as moot.

Bailey C. Moseley
Justice

Date Submitted: March 3, 2010
Date Decided: March 4, 2010

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