



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

No. 06-11-00005-CR

JARVIS HILL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 115th Judicial District Court
Upshur County, Texas
Trial Court No. 15,449

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

MEMORANDUM OPINION

Appellant, Jarvis Hill, filed a notice of appeal January 6, 2011, from his conviction for aggravated robbery with a deadly weapon. Hill also filed a motion for new trial. The trial court subsequently granted that motion for new trial, and Hill has therefore filed a motion to dismiss his appeal.

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 Hill's appeal. *See Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.).

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

Josh R. Morriss, III
Chief Justice

Date Submitted: February 16, 2011
Date Decided: February 17, 2011

Do Not Publish