



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

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No. 06-13-00048-CR

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RONALD TYRONE PACE, Appellant

V.

STATE OF TEXAS, Appellee

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On Appeal from the County Court at Law  
Gregg County, Texas  
Trial Court No. 41560-A

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

## MEMORANDUM OPINION

Ronald Tyrone Pace, appellant, filed a notice of appeal March 22, 2013, from his conviction of assault. Pace also filed a motion for new trial, which the trial court subsequently granted. As a result of the favorable ruling on his motion for a new trial, Pace now seeks to dismiss his pending appeal.

The trial court's grant of "a new trial 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 Pace's appeal. *See Waller v. State*, 931 S.W.2d 640, 643–44 (Tex. App.—Dallas 1996, no pet.).

Consequently, Pace's motion to dismiss is granted, and we dismiss this appeal for want of jurisdiction.

Jack Carter  
Justice

Date Submitted: May 13, 2013

Date Decided: May 14, 2013

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