



IN THE  
TENTH COURT OF APPEALS

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No. 10-07-00295-CR

JOHNNY RAY ABBOTT,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 40th District Court  
Ellis County, Texas  
Trial Court No. 28838CR

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MEMORANDUM OPINION

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On the State's petition for discretionary review, the Court of Criminal Appeals reversed our decision in this case, holding that we lacked jurisdiction over this appeal and that we should have dismissed it for lack of jurisdiction. *See Abbott v. State*, 271 S.W.3d 694 (Tex. Crim. App. 2008).

The case was remanded to us for further proceedings consistent with the Court of Criminal Appeals' opinion. *Id.* at 697. Upon our request, neither party has provided additional briefing on remand and both have waived any further response.

We dismiss this case for lack of jurisdiction. TEX. R. APP. P. 43.2(f).

REX D. DAVIS  
Justice

Before Chief Justice Gray,  
Justice Reyna, and  
Justice Davis

Dismissed

Opinion delivered and filed May 13, 2009

Do not publish

[CR25]