



**IN THE
TENTH COURT OF APPEALS**

No. 10-09-00296-CV

EX PARTE ERIC ROBERSON

**From the 272nd District Court
Brazos County, Texas
Trial Court No. 09-0001170-CV-272**

MEMORANDUM OPINION

The State filed an appeal of an order by the trial court granting the expunction request of Eric Roberson. At the same time the State filed its appeal, the State also filed a motion for new trial with the trial court. On November 2, 2009, the trial court granted the State's motion for new trial. The State now requests that its appeal be dismissed.

This appeal is dismissed. *See* TEX. R. APP. P. 42.1(b).

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis

Appeal dismissed
Opinion delivered and filed January 13, 2010
[CV06]