

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-10-00766-CR**

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**Bobby Johns, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 427TH JUDICIAL DISTRICT  
NO. D-1-DC-08-300230, HONORABLE JIM CORONADO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Bobby Johns filed a notice of appeal and a motion for new trial on November 19, 2010. The record reflects that the district court granted Johns’s motion for new trial. Because “[g]ranting a new trial restores the case to its position before the former trial,” this appeal was rendered moot by the trial court’s order. *See* Tex. R. App. P. 21.9(b). Accordingly, we dismiss the appeal. *See* Tex. R. App. P. 43.2(f).

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Jeff Rose, Justice

Before Chief Justice Jones, Justices Puryear and Rose

Dismissed

Filed: August 29, 2012

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