



**NUMBER 13-19-00419-CR**

**COURT OF APPEALS**

**THIRTEENTH DISTRICT OF TEXAS**

**CORPUS CHRISTI - EDINBURG**

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**MICHAEL PATRICK LEE,**

**Appellant,**

**v.**

**THE STATE OF TEXAS,**

**Appellee.**

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**On appeal from the 28th District Court  
of Nueces County, Texas.**

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**MEMORANDUM OPINION**

**Before Justices Benavides, Longoria, and Perkes  
Memorandum Opinion by Justice Benavides**

Appellant, Michael Patrick Lee, filed a notice of appeal challenging his conviction for aggravated assault against a public servant. By order signed November 6, 2019, the trial court granted appellant's motion for new trial.

When the trial court grants a motion for new trial, it restores the case to its position before the former trial. See TEX. R. APP. P. 21.9(b). Because there is no conviction to

be appealed, we have no jurisdiction to consider this appeal. See *Waller v. State*, 931 S.W.2d 640, 643-44 (Tex. App.–Dallas 1996, no pet.).

The Court, having examined and fully considered the documents on file and the trial court's order granting a new trial, is of the opinion that the appeal should be dismissed for want of jurisdiction. See *id.* The appeal is hereby DISMISSED FOR WANT OF JURISDICTION.

GINA M. BENAVIDES,  
Justice

Do not publish.  
TEX. R. APP. P. 47.2(b).

Delivered and filed the  
26th day of November, 2019.