



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

NO. WR-82,734-01

---

---

**EX PARTE RICKY HERNANDEZ, Applicant**

---

---

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 07-6-23,223-D IN THE 377<sup>TH</sup> DISTRICT COURT  
FROM VICTORIA COUNTY**

---

---

*Per curiam.*

### OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of two counts of aggravated sexual assault and sentenced to life imprisonment.

Applicant contends that he was deprived his right to file an appeal. The trial court has signed findings of fact stating that Applicant was deprived of his right to appeal and recommends Applicant be allowed to proceed with an out-of-time appeal.

The trial court has recommended that Applicant be granted relief. We find, therefore, that

Applicant is entitled to the opportunity to file an out-of-time appeal of the judgment of conviction in Cause No. 07-6-23,223-D from the 377th District Court of Victoria County. Applicant is ordered returned to that time at which he may give a written notice of appeal so that he may then, with the aid of counsel, obtain a meaningful appeal.

Within ten days of the issuance of this opinion, the trial court shall determine whether Applicant is indigent. If Applicant is indigent and wishes to be represented by counsel, the trial court shall immediately appoint an attorney to represent Applicant on direct appeal. All time limits shall be calculated as if the sentence had been imposed on the date on which the mandate of this Court issues. We hold that, should Applicant desire to prosecute an appeal, he must take affirmative steps to file a written notice of appeal in the trial court within 30 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: March 18, 2015  
Do not publish