



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,255-01

EX PARTE JAMES ERIC GRANT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. FR 67168-A IN THE 264TH DISTRICT COURT
FROM BELL 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 possession of a controlled substance and sentenced to eighteen years' imprisonment. The Third Court of Appeals dismissed Applicant's direct appeal because notice of appeal was not timely filed. *Grant v. State*, No. 03-14-00447-CR (Tex. App.—Austin Oct. 31, 2014) (not designated for publication).

Applicant contends that he was denied his right to appeal through no fault of his own, and he asks for a late appeal. Counsel filed an affidavit with the trial court. Based on that affidavit and

the trial court's records, the trial court has entered findings of fact and conclusions of law and recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006). The findings and recommendation are supported by the habeas record.

Applicant is entitled to the opportunity to file an out-of-time appeal of the judgment of conviction in Cause 67168 from the 264th District Court of Bell 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: June 24, 2015
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