



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,891-02

EX PARTE ROXANNA APRIL REYES , Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. A18933-1109 IN THE 64TH DISTRICT COURT
FROM HALE 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 driving while intoxicated with a child passenger under the age of fifteen and sentenced to eighteen months' imprisonment in a state jail facility.

Applicant contends that her counsel rendered ineffective assistance because he failed to timely file a motion to extend the time for filing a notice of appeal with the correct court.

We find that Applicant is entitled to the opportunity to file an out-of-time appeal of the

judgment of conviction in Cause No. A18933-1109 from the 64th District Court of Hale County. Applicant is ordered returned to that time at which she may give a written notice of appeal so that she may then, with the aid of counsel, obtain a meaningful appeal.

It appears that Applicant is represented by counsel. Within ten days of the issuance of this opinion, the trial court shall determine if Applicant is represented by counsel, and if not, 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, she 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: September 13, 2017
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