



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,274-01

**EX PARTE VALENTIN TORRES ALVAREZ
AKA VALENTIN ALVAREZ TORRES, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2017-DCR-02121-D IN THE 103RD DISTRICT COURT
FROM CAMERON COUNTY**

Per curiam.

OPINION

Applicant was convicted of continuous sexual abuse of child (Count I), prohibited sexual conduct (Count II), and prohibited sexual conduct (Count III). Applicant was sentenced to fifty years' imprisonment on Count I, ten years' imprisonment on Count II, and ten years' imprisonment on Count III, all to run concurrently. He filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was denied his right to an appeal because counsel failed to timely file a notice of appeal. Based on the record, the trial court recommends that Applicant be given an

out-of-time appeal.

Relief is granted. *Ex parte Axel*, 757 S.W.2d 369 (Tex. Crim. App. 1988); *Jones v. State*, 98 S.W.3d 700 (Tex. Crim. App. 2003). Applicant may file an out-of-time appeal of his conviction in cause number 2017-DCR-02121-D from the 103rd District Court of Cameron County. Within ten days from the date of this Court's mandate, the trial court shall determine whether Applicant is indigent. If Applicant is indigent and wants to be represented by counsel, the trial court shall appoint counsel to represent him on direct appeal. Should Applicant decide to appeal, he must file a written notice of appeal in the trial court within thirty days from the date of this Court's mandate.

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

Delivered: December 8, 2021
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