



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-90,383-02**

**EX PARTE JUAN ORTIZ JR., Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 18-08-137-CRW-A IN THE 81ST DISTRICT COURT  
FROM WILSON COUNTY**

*Per curiam.*

### OPINION

Applicant was convicted of burglary of a habitation and sentenced to thirty-five years' imprisonment. 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 requests a late appeal. Based on the record and trial counsel's response, the trial court has found that Applicant was denied an appeal through no fault of his own.

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 18-08-137-CRW from the 81st District Court of Wilson 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: March 9, 2022

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