



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,880

**EX PARTE TROY FRANKLIN LONG III, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. F14217 IN THE 276<sup>TH</sup> DISTRICT COURT  
FROM MARION 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 murder and sentenced to twenty years' imprisonment.

Applicant contends that his counsel rendered ineffective assistance because he failed to timely file a notice of appeal.

The trial court has determined that Applicant was deprived of his right to pursue a direct appeal through no fault of his own. The State agrees. We find that Applicant is entitled to the opportunity to file an out-of-time appeal of the judgment of conviction in Cause No. F14217 from

the 276<sup>th</sup> District Court of Marion County. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006). 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. It appears that the trial court has appointed Applicant appellate counsel. If this is not the case, 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: September 12, 2012  
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