



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. AP-76,899 & AP-76,900

EX PARTE JESSIE ALAN HUCKEL, Applicant

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. F-1033708-L AND F-1033709-L IN THE CRIMINAL DISTRICT COURT
NO. FIVE
FROM DALLAS 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 these applications 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 methamphetamine and credit card abuse and sentenced to eight years' imprisonment in each cause.

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

The trial court, based upon the record, has determined that counsel failed to timely file

notices of appeal. We find that Applicant is entitled to the opportunity to file out-of-time appeals of the judgments of conviction in Cause Nos. F-1033708-L and F-1033709-L from the Criminal District Court No. Five of Dallas County. Applicant is ordered returned to that time at which he may give written notices of appeal so that he may then, with the aid of counsel, obtain meaningful appeals. 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 sentences had been imposed on the date on which the mandate of this Court issues. We hold that, should Applicant desire to prosecute his appeals, he must take affirmative steps to file written notices 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: October 31, 2012
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