



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-81,308-04; WR-81,308-05; WR-81,308-06

**EX PARTE RODNEY S. LOPEZ, Applicant**

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. 13-08-07797-CRR; 13-08-07798-CRR; 13-08-07799-CRR  
IN THE 143<sup>RD</sup> DISTRICT COURT FROM REEVES 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 writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of three counts of manufacture or delivery of a controlled substance and sentenced to fifteen years' imprisonment in each count. The Eighth Court of Appeals dismissed the appeals in all of these cause numbers. *Lopez v. State*, Nos. 08-14-00068-CR; 08-14-00069-CR; 08-14-00070-CR (Tex. App.—El Paso Aug. 6, 2014).

Applicant contends that his counsel rendered ineffective assistance because he failed to

timely file a notice of appeal. The trial court 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. 13-08-07797-CRR; 13-08-07798-CRR; 13-08-07799-CRR from the 13-08-07797-CRR District Court of Reeves 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 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: November 19, 2014  
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