



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-81,078-04**

**EX PARTE MIGUEL MARTINEZ, Applicant**

**ON APPLICATION FOR WRIT OF HABEAS CORPUS  
CAUSE NO. 1374263-B  
IN THE 184TH DISTRICT COURT FROM HARRIS COUNTY**

*Per curiam.*

## O P I N I O N

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 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 he was denied the opportunity to file an appeal. Counsel filed an affidavit with the trial court. The trial court found counsel's affidavit credible and determined that Applicant did not have the opportunity to file an appeal. We conclude that there was a breakdown in the system. *Ex parte Riley*, 193 S.W.3d 900, 902 (Tex. Crim. App. 2006).

The trial court has recommended that Applicant be granted relief. We find that Applicant is entitled to the opportunity to file an out-of-time appeal of the judgment of conviction in Cause No. 1374263 from the 184th Judicial District Court of Harris County.

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. 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.

Delivered: June 24, 2015  
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