



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-85,071-01 & 85,071-02

EX PARTE DAVID KENNARD VASBINDER III, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. CR-14-069 & CR-15-021
IN THE 198TH DISTRICT COURT
FROM BANDERA 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 aggravated assault and failure to appear and was sentenced to imprisonment for twenty and five years, respectively.

Applicant contends that adjudication-of-guilt counsel failed to timely file notices of appeal. The trial court has determined that Applicant was denied his right to appeal. We find that Applicant is entitled to the opportunity to file out-of-time appeals of the judgments of conviction in cause

numbers CR14-069 & CR15-021 from the 198th District Court of Bandera 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 written notices of appeal in the trial court within 30 days after the mandate of this Court issues.

Applicant's remaining claims are dismissed. *See Ex parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: September 14, 2016
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