



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-87,943-03 AND -04

**EX PARTE JEREMY CARDELL MINOR, Applicant**

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS  
CAUSE NOS. W14-71793-P(B) AND W14-76288-P(B) IN THE 203rd DISTRICT COURT  
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 aggravated robbery in two separate causes and he was sentenced to twenty-five 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, recommends that relief be granted because timely notices of appeal were not filed because of a "breakdown in the system," and

not due to any fault of Applicant or his counsel. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006).

The trial court's findings are supported by the record, but we must first address the fact that the habeas corpus applications before us are not compliant with TEX. R. APP. P. 73.1 because the attached memorandums do not include certificates of compliance, and both "Oath Before A Notary Public" sections of the prescribed form, while containing a notary's signature, do not contain notarial stamps.<sup>1</sup> However, because the record clearly shows Applicant is entitled to relief, we exercise our jurisdiction and grant relief. *Ex parte Golden*, 991 S.W.2d 859 (Tex. Crim. App. 1999).

We find that Applicant is entitled to the opportunity to file an out-of-time appeals of the judgments of conviction in Cause Nos. W14-71793-P(B) and W14-76288-P(B) from the 203rd District Court of Dallas County. Applicant is ordered returned to that time at which he may give a 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 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 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.

---

<sup>1</sup> It should be noted that Applicant is represented by habeas counsel in these applications.

Delivered: November 14, 2018  
Do not publish