



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS.

WR-90,140-01

WR-90,140-02

WR-90,140-03

EX PARTE CURTIS WAYNE BAGBY, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 007-0986-16-A, 007-0987-16-A, AND 007-0988-16-A
IN THE 7TH DISTRICT COURT FROM SMITH 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 offenses of aggravated assault and sentenced to imprisonment.

Applicant contends, *inter alia*, that he was denied his right to direct appeals through no fault of his own. The trial court recommends that late appeals be granted. The trial court's findings and recommendation are supported by the habeas record and applicable law. *See Ex parte Axel*, 757

S.W.2d 369 (Tex. Crim. App. 1988); *Jones v. State*, 98 S.W.3d 700 (Tex. Crim. App. 2003).

Applicant is entitled to the opportunity to file out-of-time appeals of the judgments of conviction in Cause Nos. 007-0986-16-A, 007-0987-16-A, and 007-0988-16-A from the 7th District Court of Smith 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 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. 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: November 6, 2019
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