



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,038-01

EX PARTE NURU NATHAN TINCH, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 49005-B-H-1 IN THE 124TH DISTRICT COURT
FROM GREGG COUNTY**

Per curiam.

OPINION

Applicant was convicted of aggravated assault and sentenced to thirty-two years' imprisonment. He filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was denied his right to an appeal because counsel was not notified of her appointment until after the time to file notice of appeal had passed. Based on the record, the trial court has found that Applicant should be granted an out-of-time appeal.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003). Applicant may file an out-of-time appeal of his conviction in cause number 49005-B from the 124th District Court of Gregg County. Within ten days from the date of this Court's mandate, the trial court shall

determine whether Applicant is indigent. If Applicant is indigent and wants to be represented by counsel, the trial court shall appoint counsel to represent him on direct appeal. All deadlines shall be calculated as if Applicant was sentenced on the date of this Court's mandate. Should Applicant decide to appeal, he must file a written notice of appeal in the trial court within thirty days from the date of this Court's mandate.

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

Delivered: April 1, 2020
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