



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-91,901-01, WR-91,901-02 AND WR-91,901-03

**EX PARTE CHRISTOPHER MICHAEL CASSITY, Applicant**

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**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. CR33790-A, CR33983-A AND CR33846-A  
IN THE 75TH DISTRICT COURT  
FROM LIBERTY COUNTY**

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*Per curiam.*

## OPINION

Applicant was convicted of unlawful possession of a firearm by a felon in the -01 case, and possession of two different quantities of controlled substances in the -02 and -03 cases. He was sentenced to five years' imprisonment in the -01 case, seventeen years' imprisonment in the -02 case, and two years in state jail in the -03 case, all running concurrently. He filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends, among other things, that he was denied his right to an appeal through no fault of his own. Applicant's trial counsel advised Applicant of the deadline for filing notice of

appeal, but was not told by Applicant that he wanted to appeal. Trial counsel filed motions to withdraw from the representation, which she believed were granted by the trial court. However, the motions were apparently never brought to the trial court's attention or ruled on by the trial court. Applicant consulted with an appellate attorney, but did not have the means to retain the attorney. That attorney provided Applicant with *pro se* notice of appeal, which was signed by Applicant and notarized on the last day before the deadline for filing notice of appeal, but the notice was never served on the State or filed in the district court. Based on the record, the trial court has found that had the *pro se* notice of appeal been filed on the date signed, it would have constituted a timely filed notice of appeal. The trial court finds that Applicant demonstrated a bona fide intent to timely perfect an appeal from his convictions.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006). Applicant may file out-of-time appeals of his convictions in cause numbers CR33790, CR33983 and CR33846 from the 75th District Court of Liberty 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 written notices 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: November 11, 2020

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