



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,109-01

EX PARTE CHRISTOPHER ALEXANDER GARZA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 9851-A IN THE 27th DISTRICT COURT
FROM LAMPASAS COUNTY**

Per curiam.

OPINION

Applicant was convicted of evading arrest with a vehicle and sentenced to twenty years' imprisonment. Applicant 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 an appellate lawyer was not appointed by the trial court. Based on the record, the trial court has found that Applicant timely requested an appeal, trial counsel was allowed to withdraw, and no appellate counsel was appointed by the trial court.

Relief is granted. *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 may file an out-of-time appeal of conviction in

cause number 9851 from the 27th District Court of Lampasas 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 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, 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. Applicant's remaining claims are dismissed. *Ex Parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: April 14, 2021

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