



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,598-02

EX PARTE JOSE EDUARDO ANGUIANO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W16-59903-O(B) IN THE 203RD DISTRICT COURT
FROM DALLAS COUNTY**

Per curiam.

OPINION

Applicant was convicted of indecency with a child and sentenced to eight 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 due to a breakdown in the system. Based on the record, the trial court has found that counsel failed to timely file a notice of appeal.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006).. Applicant may file an out-of-time appeal of his conviction in cause number F-1659903-P from the 203rd District Court of Dallas 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: June 9, 2021
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