

## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,969-01

EX PARTE D'AUNDRE RAASHAWN HIGHT-EALY, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 12940-D(1) IN THE 350TH DISTRICT COURT FROM TAYLOR COUNTY

Per curiam.

## OPINION

Applicant was convicted of aggravated robbery and sentenced to forty 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 failed to timely file a notice of appeal. Based on the record, the trial court recommends that Applicant be given an out-of-time appeal.

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 his conviction in cause number 12940-D from the 350th District Court of Taylor County. Within ten days from the

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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. 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:

September 15, 2021

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