



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-93,033-01

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**EX PARTE BENNIE LOUIE EDWARDS, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 58404-B IN THE 78TH DISTRICT COURT  
FROM WICHITA COUNTY**

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*Per curiam.*

## OPINION

Applicant was convicted of delivery of a controlled substance and sentenced to sixty 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 has found that due to a series of errors, notice of appeal was not filed on Applicant's behalf and Applicant was denied his right to 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); *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 58,404-B from the 78th

District Court of Wichita 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. 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: 12-15-2021  
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