



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,001-01

EX PARTE GABINO SALINAS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-2960-19-D(1) IN THE 206TH DISTRICT COURT
FROM HIDALGO COUNTY**

Per curiam.

OPINION

Applicant was convicted of capital murder of multiple persons (count I) and possession of marijuana (count II). He was sentenced to life imprisonment on count I and two years' imprisonment on count II. 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 trial counsel did not file a notice of appeal and because appointed appellate counsel did not receive notice of her appointment until after the filing deadline. The trial court recommends that this Court allow Applicant to file an out-of-time appeal. Based on the record, we find that Applicant was denied an appeal through no fault of his own.

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 convictions in counts I and II in cause number CR-2960-19-D from the 206th District Court of Hidalgo 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: August 24, 2022
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