



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-70,884-02

EX PARTE KERWIN BERNARD BRYANT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2019CR12429-W1 IN THE 399TH DISTRICT COURT
FROM BEXAR COUNTY**

Per curiam.

OPINION

Applicant was convicted of aggravated robbery and sentenced to thirty 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 of a breakdown in the system. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003). Based on the record, the trial court has found that Applicant was denied his right to appeal.

Relief is granted. Applicant may file an out-of-time appeal of his conviction in cause number 2019CR12429 from the 399th District Court of Bexar 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: May 17, 2023
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