



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,387-01

EX PARTE MONIQUE VALLES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CRW2104083A IN THE 81ST DISTRICT COURT
FROM WILSON COUNTY**

Per curiam. SLAUGHTER, J. filed a concurring opinion.

OPINION

Applicant was convicted of evading arrest and sentenced to five years' imprisonment. She 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 she was denied her right to an appeal because counsel failed to timely file a notice of appeal. Based on the record, counsel failed to timely file a notice of 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 her conviction in cause number CRW2104083 from the 81st District Court of Wilson 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 her on direct appeal. Should Applicant decide to appeal, she 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 31, 2023
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