



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-95,089-01**

**EX PARTE JONATHAN MIDDLETON, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W-1760748-A IN THE CRIMINAL DISTRICT COURT NO. 1  
FROM DALLAS COUNTY**

*Per curiam.*

## **OPINION**

Applicant was convicted of aggravated robbery and sentenced to forty-five 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 Applicant was denied his right to appeal through no fault of his own or of his attorney but due to a breakdown in the system.

Relief is granted. *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 F-1760748-H from the Criminal District Court No. 1 of Dallas 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: September 20, 2023

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