



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. AP-76,945**

**EX PARTE JOHN ALAN SUBLETT, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 416-80900-08 IN THE 416TH DISTRICT COURT  
FROM COLLIN COUNTY**

*Per curiam.*

## OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of indecency with a child by contact and sentenced to four years' imprisonment.

Applicant contends that his trial counsel rendered ineffective assistance because counsel failed to timely file a notice of appeal and requests an out-of-time appeal. The trial court has entered findings and recommends that relief be granted. This Court agrees.

Applicant is entitled to the opportunity to file an out-of-time appeal of the judgment of conviction in Cause No. 416-80900-08 from the 416th District Court of Collin County. Applicant

is ordered returned to that time at which he may give a written notice of appeal so that he may then, with the aid of counsel, obtain a meaningful appeal. Within ten days of the issuance of this opinion, the trial court shall determine whether Applicant is indigent. If Applicant is indigent and wishes to be represented by counsel, the trial court shall immediately appoint an attorney to represent him on direct appeal. All time limits shall be calculated as if the sentence had been imposed on the date on which the mandate of this Court issues. We hold that, should he desire to prosecute an appeal, Applicant must take affirmative steps to file a written notice of appeal in the trial court within 30 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: January 9, 2013  
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