



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,731-01

NO. WR-79,731-02

NO. WR-79,731-03

EX PARTE FELIX D. ZAVALA, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 11-DCR-056366-HC-1, 11-DCR-056381-HC-1, AND 11-DCR-056382-HC-1
IN THE 268TH DISTRICT COURT FROM FORT BEND COUNTY**

Per curiam.

ORDER

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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of three felony offenses and sentenced to incarceration in the penitentiary. The Fourteenth Court of Appeals affirmed the convictions. *Zavala v. State*, Nos. 14-11-00962-CR, 14-11-00963-CR, and 14-11-00964-CR (Tex.App.—Houston [14th Dist.] Jan. 17, 2013).

In Applicant's direct appeals, appellate counsel filed briefs pursuant to *Anders v. State of Cal.*, 386 U.S. 738, 744 (1967). He provided copies of the briefs to Applicant and informed him of

his right to file replies with the appellate court and to have access to the appellate record to assist him. *See id.*; *Heiskell v. State*, 522 S.W.2d 477, 477 (Tex. Crim. App.1975). Applicant states that he attempted to gain access to the appellate record, but it was never provided to him, so he requests the opportunity to have access to the record and to file his replies using it. The State concedes that relief should be granted, and the trial court recommends that this Court “order that Applicant be given access to the Appellate record without cost (having previously been found indigent) and be given a date certain by which to file his out-of-time *pro se* response to his counsel’s *Ander*’s brief.”

At the time the writ applications were filed on February 22, 2013, mandate on the direct appeals had not yet issued. Because the convictions were not final, this Court lacks jurisdiction over the writ applications. *Ex parte Johnson*, 12 S.W.3d 472, 473 (Tex. Crim. App. 2000). The writ applications are therefore dismissed without prejudice. Mandate has since issued on April 19, 2013, in each appeal, and Applicant may re-file his writ applications to invoke this Court’s jurisdiction.

Filed: July 24, 2013
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