



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-89,752-01 AND WR-89,752-02

EX PARTE JAIME CUELLAR, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 070471-01-D-WR AND 070472-01-D-WR
IN THE 320TH DISTRICT COURT FROM POTTER COUNTY

Per curiam.

OPINION

Applicant was convicted of tampering with or fabricating physical evidence and possession of a controlled substance and was sentenced to imprisonment. He filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was denied his right to appeal the convictions through no fault of his own. The trial court has made findings and recommends that Applicant be granted late appeals. *Ex parte Axel*, 757 S.W.2d 369 (Tex. Crim. App. 1988); *Jones v. State*, 98 S.W.3d 700 (Tex. Crim. App. 2003). The findings and recommendation are supported by the record.

Relief is granted. Applicant may file out-of-time notices of appeal for his convictions in

cause numbers 070471-D and 070472-D from the 320th District Court of Potter 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. All deadlines shall be calculated as if Applicant was sentenced on the date of this Court's mandate. Should Applicant decide to appeal, he must file written notices 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: January 15, 2020
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