IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,869-02

EX PARTE SCOTT ALLEN WILLIS, JR., Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. F13-16993-0_A IN THE CRIMINAL DISTRICT COURT FROM JEFFERSON COUNTY

***Per curiam*. YEARY and SLAUGHTER, JJ., dissented.**

O P I N I O N

Applicant was convicted of aggravated robbery with a deadly weapon and sentenced to 70 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 recommends granting an out-of-time appeal.

Relief is granted. Applicant may file an out-of-time appeal of his conviction in cause number 13-16993 from the Criminal District Court of Jefferson 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: June 21, 2023
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