

COURT OF CRIMINAL APPEALS OF TEXAS

Ex parte Dominique Rashad Bell

WR-97,605-01 · No. WR-97,605-01 · Decided June 11, 2026

SUMMARY

The Texas Court of Criminal Appeals granted Dominique Rashad Bell habeas relief after finding that appellate counsel failed to timely file a notice of appeal. The court authorized Bell to file an out-of-time appeal and provided instructions concerning appointment of counsel if necessary.

CASE DETAILS

COURT	Court of Criminal Appeals of Texas
WRITING FOR THE COURT	Per curiam
JURISDICTION	Texas Court of Criminal Appeals
DECIDED	June 11, 2026
DOCKET	WR-97,605-01
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Applicant sought post-conviction habeas relief under Texas Code of Criminal Procedure article 11.07, asserting that appellate counsel failed to timely file a notice of appeal from his conviction.
PRECEDENTIAL VALUE	Unpublished and nonprecedential
PARTIES	Dominique Rashad Bell, Applicant

TOPICS

- habeas corpus
- appellate procedure
- right to counsel
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction habeas corpus
- appellate procedure
- right to counsel

QUESTIONS PRESENTED

1. Whether habeas relief should be granted when appellate counsel failed to timely file a notice of appeal, thereby denying the applicant the right to an appeal.

HOLDINGS

1. When appellate counsel fails to timely file a notice of appeal and the record supports that finding, habeas relief is warranted in the form of an out-of-time appeal.

FACTUAL BACKGROUND

Applicant was convicted of possession of a controlled substance and received an eleven-year prison sentence. His appellate counsel failed to timely file a notice of appeal. The trial court found the failure on the habeas record, and the Court of Criminal Appeals granted an out-of-time appeal.

PROCEDURAL HISTORY

Applicant was convicted of possession of a controlled substance and sentenced to eleven years' imprisonment in the 297th District Court of Tarrant County. He filed an article 11.07 habeas application in the county of conviction, and the district clerk forwarded it to the Texas Court of Criminal Appeals. Based on the record, the trial court found that appellate counsel failed to timely file a notice of appeal. The Court of Criminal Appeals granted relief and authorized an out-of-time appeal.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Applicant may file an out-of-time appeal of his conviction in cause number 1712051. If Applicant is not represented by counsel, the trial court must determine within ten days from the date of the Court's mandate whether he is indigent and, if he is indigent and wants counsel, appoint counsel for the direct appeal. If Applicant chooses to appeal, he must file written notice of appeal in the trial court within thirty days from the date of the mandate.

CASES CITED

- Ex parte Axel, 757 S.W.2d 369 (Tex. Crim. App. 1988)
- Jones v. State, 98 S.W.3d 700 (Tex. Crim. App. 2003)

OPINION

Bell, Dominique Rashad

PER CURIAM.

IN THE COURT OF CRIMINAL APPEALS

OF TEXAS

NO. WR-97,605-01

EX PARTE DOMINIQUE RASHAD BELL, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS

CAUSE NO. C-297-W012759-1712051-A

IN THE 297TH DISTRICT COURT

TARRANT COUNTY

Per curiam.

OPINION

Applicant was convicted of possession of a controlled substance and sentenced to eleven 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 appellate counsel failed to timely file a notice of appeal. Based on the record, the 2 trial court has found that counsel failed to timely file a notice of appeal. Relief is granted. *Ex parte Axel*, 757 S.W.2d 369 (Tex. Crim. App. 1988); *Jones v. State*, 98 S.W.3d 700 (Tex. Crim. App. 2003). Applicant may file an out- of-time appeal of his conviction in cause number 1712051 from the 297th District Court of Tarrant County. It appears that Applicant is represented by counsel. However, if Applicant is not represented by counsel, the trial court shall determine, within ten days from the date of this Court's mandate, 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 11, 2026
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