



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-74,986-02

EX PARTE ERIC LAVAL THOMPSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 68897-A IN THE 264th DISTRICT COURT
FROM BELL 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 criminal solicitation of a minor and sentenced to thirty years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Thompson v. State*, No. 07-12-00454-CR (Tex. Crim. App.—Amarillo, delivered September 19, 2014) (not designated for publication).

Applicant contends, *inter alia*, that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed.

Based on the record and an affidavit filed by counsel, the trial court has entered findings of fact and conclusions of law that counsel failed to timely notify Applicant that his conviction had been affirmed. The trial court recommends relief be granted and we agree with that recommendation. However, we disagree with the trial court's finding of ineffective assistance of counsel in this case and find that counsel's failure to timely notify Applicant of the appellate court's decision was through no fault of her own. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006).

We find, therefore, that Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Seventh Court of Appeals in Cause No. 07-12-00454-CR that affirmed his conviction in Cause No. 68897 from the 264th District Court of Bell County. Applicant shall file his petition for discretionary review with this Court within 30 days of the date on which this Court's mandate issues.

The Applicant's remaining claims are dismissed. *Ex parte Torres* 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: November 25, 2015
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