



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-75,755-04**

**EX PARTE JOHNATHEN LEE HARRISON, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR20133 IN THE 35<sup>TH</sup> DISTRICT COURT  
FROM BROWN 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 burglary of a habitation and sentenced to sixty years' imprisonment. The Eleventh Court of Appeals affirmed his conviction. *Harrison v. State*, No. 11-11-00241-CR (Tex. App.—Eastland Aug. 15, 2013).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed. We remanded this application to the trial court for findings of fact and conclusions of law.

Appellate counsel filed an affidavit with the trial court. Based on that affidavit, the trial court has entered findings of fact and conclusions of law that appellate counsel failed to timely notify Applicant that his conviction had been affirmed. The trial court recommends that relief be granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997).

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 Eleventh Court of Appeals in Cause No. 11-11-00241-CR that affirmed his conviction in Cause No. CR20133 from the 35<sup>th</sup> District Court of Brown 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.

Delivered: May 13, 2015  
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