



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-82,647-01**

**EX PARTE JOSHUA COBBS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2010-428,786-A IN THE 137<sup>TH</sup> DISTRICT COURT  
FROM LUBBOCK 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 aggravated assault and sentenced to sixty years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Cobbs v. State*, No. 07-11-00202-CR (Tex. App.—Amarillo July 8, 2011).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that he could file a *pro se* petition for discretionary review.

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 he could file a *pro se* petition for discretionary review. 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 Seventh Court of Appeals in Cause No. 07-11-0202-CR that affirmed his conviction in Cause No. 2010-428,786 from the 137<sup>th</sup> District Court of Lubbock 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: January 28, 2015  
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