



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-83,036-01**

**EX PARTE DANIEL F. LONGORIA JR, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 12-05-5213-CR-(1) IN THE 221<sup>ST</sup> DISTRICT COURT  
FROM MONTGOMERY 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 murder and sentenced to life imprisonment. The Ninth Court of Appeals affirmed his conviction. *Longoria v. State*, No. 09-13-00169-CR (Tex. App.—Beaumont Jun. 25, 2014)(not designated for publication).

Applicant contends that he was denied his right to file a petition for discretionary review because counsel mailed the notification that his conviction had been affirmed to the incorrect address.

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 Applicant is entitled to relief. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003).

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 Ninth Court of Appeals in Cause No. 09-13-00169-CR that affirmed his conviction in Cause No. 12-05-05213-CR from the 221<sup>st</sup> District Court of Montgomery 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: June 3, 2015  
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