



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,117-01

EX PARTE FRANCISCO ARZATE, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1317247-A IN THE 232ND DISTRICT COURT
FROM HARRIS 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 capital murder and sentenced to imprisonment for life without parole. The First Court of Appeals affirmed his conviction. No. 01-12-01074-CR (Tex. App.—Houston [1st Dist.] Dec. 17, 2013) (not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel did not timely file a petition for discretionary review. We remanded this application to the trial court

for supplemental 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 file a timely petition for discretionary review.

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 First Court of Appeals in Cause No. 01-12-01074-CR that affirmed his conviction in Cause No. 131724701010 from the 232nd District Court of Harris 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: October 14, 2015
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