



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-76,979-03

EX PARTE JORGE MENDOZA JR., Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. FR64862-B 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 two counts of indecency with a child by contact and sentenced to two terms of life imprisonment. The Third Court of Appeals affirmed the convictions. *Mendoza v. State*, No. 03-10-00344-CR (Tex. App.—Austin May 24, 2013) (not designated for publication).

Applicant contends that he was denied his right, through no fault of his own, to pursue a *pro se* petition for discretionary review in this Court after his convictions were affirmed by the Third Court of Appeals. The trial court recommends that relief be granted, and the habeas record supports the recommendation. *See Ex parte Wilson*, 956 S.W.2d 25, 26 -27 (Tex. Crim. App. 1997); *Ex parte*

Crow, 180 S.W.3d 135, 138-39 (Tex. Crim. App. 2005).

Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Third Court of Appeals in Cause No. 03-10-00344-CR that affirmed his convictions in Cause No. 64,862 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.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: January 11, 2017
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