



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-86,880-01

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EX PARTE ANTONIO DEALLEN DEAN, Applicant

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ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W199-82063-2012-HC IN THE 199th DISTRICT COURT  
FROM COLLIN COUNTY

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*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 robbery and sentenced to twenty years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Dean v. State*, No. 13-13-00370-CR (Tex. App.—Corpus Christi-Edinburg July 24, 2015) (not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed.

Appellate counsel filed an affidavit with the trial court. Based on that affidavit and the record, the trial court has entered findings of fact and conclusions of law that Applicant was not timely notified that his conviction had been affirmed and, through no fault of his own, Applicant was denied his right to file a *pro se* petition for discretionary review. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006).

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 Thirteenth Court of Appeals in Cause No. 13-13-00370-CR that affirmed his conviction in Cause No. 199-82063-2012 from the 199th District Court of Collin 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 28, 2017  
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