



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,274-01 & -02 & -03

EX PARTE JEFFREY ALLAN MAXWELL, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. CR11-0271-01 & CR11-0272-01 & CR11-0273-01
IN THE 43RD DISTRICT COURT FROM PARKER 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of one count of aggravated kidnapping and two counts of aggravated sexual assault and sentenced to life imprisonment for each offense, to be served cumulatively. The Second Court of Appeals affirmed his convictions in *Maxwell v. State*, No. 02-12-00072-CR & 02-12-00073-CR & 02-12-00074 -CR (Tex. App.— Fort Worth Dec. 19. 2013)(not designated for publication).

Applicant contends, among other things, that his appellate counsel rendered ineffective

assistance because counsel failed to timely notify Applicant that his convictions had been affirmed.

Applicant's appellate counsel is deceased. The trial court states that it cannot either conclusively confirm or deny the allegations made by Applicant and makes no recommendation. We conclude that there was a breakdown in the system. *Ex parte Riley*, 193 S.W.3d 900, 902 (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 judgments of the Second Court of Appeals in Cause Nos. 02-12-00072-CR & 02-12-00073-CR & 02-12-00074-CR that affirmed his convictions in Cause Nos. CR11-0271-01 & CR11-0272-01 & CR11-0273-01 from the 43rd District Court of Parker County. Applicant shall file his petitions for discretionary review with this Court within 30 days of the date on which this Court's mandate issues.

Applicant's remaining claims are dismissed. *See Ex parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: January 24, 2018
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