



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-91,861-01

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**EX PARTE MICHAEL JAMES CARSON, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR20449-A IN THE 271ST DISTRICT COURT  
FROM WISE COUNTY**

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*Per curiam.*

## OPINION

Applicant was convicted of possession of a controlled substance and sentenced to fifty years' imprisonment. The Second Court of Appeals affirmed his conviction. *Carson v. State*, No. 02-19-00091-CR (Tex. App. — Fort Worth May 7, 2020) (not designated for publication). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that appellate counsel failed to timely inform Applicant that his conviction had been affirmed. Based on the record, this Court finds that appellate counsel's performance was deficient in that she failed to notify Applicant that his conviction had been affirmed until after the deadline for filing a petition for discretionary review had passed, thereby depriving

Applicant of “an entire judicial proceeding.” *Ex parte Owens*, 206 S.W.3d 670, 673-74 (Tex. Crim. App. 2006). Applicant’s habeas allegations indicate that Applicant would have timely filed a petition for discretionary review but for counsel’s deficient performance.

Relief is granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005). Applicant may file an out-of-time petition for discretionary review of the judgment of the Second Court of Appeals in cause number 02-19-00091-CR. Should Applicant decide to file a petition for discretionary review, he must file it with this Court within thirty days from the date of this Court’s mandate.

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

Delivered: March 30, 2022  
Do not publish