



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-92,513-01, WR-92,513-02, WR-92,513-03, AND WR-92,513-04

EX PARTE MAX PATRICK SADLER, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS W02-74193-M(A), W02-74191-M(A), W02-74192-M(A)
AND W02-74194-M(A)
IN THE 194TH DISTRICT COURT
FROM DALLAS COUNTY**

***Per curiam.* YEARY, J., filed a dissenting opinion in which SLAUGHTER, J., joined. KELLER, P.J., dissented.**

OPINION

Applicant entered open pleas of guilty in these four cases to two charges of aggravated sexual assault of a child and two charges of indecency with a child. Applicant was sentenced to fifty years' imprisonment, thirty-five years' imprisonment, twenty years' imprisonment and ten years' imprisonment, to run concurrently. The Fifth Court of Appeals affirmed his convictions. *Sadler v. State*, Nos. 05-04-01814-CR, 05-04-01815-CR, 05-04-01816-CR and 05-04-01817-CR (Tex. App. — Dallas December 14, 2005) (not designated for publication). Applicant filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this

Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends, among other things,¹ that appellate counsel failed to timely inform Applicant of his right to file a *pro se* petition for discretionary review. Based on the record, the trial court has determined that appellate counsel's performance was deficient and 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 judgments of the Fifth Court of Appeals in cause numbers 05-04-01814-CR, 05-04-01815-CR, 05-04-01816-CR and 05-04-01817-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: February 2, 2022
Do not publish

¹This Court has reviewed Applicant's other claims and finds them to be without merit.