



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,293-01

EX PARTE MIGEL JULIANNA MATTHEW, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. DC78-CR2020-0414 IN THE 78TH DISTRICT COURT
FROM WICHITA COUNTY**

Per curiam.

OPINION

Applicant was convicted of murder and sentenced to sixty years' imprisonment. The Second Court of Appeals affirmed her conviction. *Matthew v. State*, No. 02-22-00140-CR (Tex. App.—Fort Worth Mar. 23, 2023) (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 her conviction had been affirmed and advise her of her 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 judgment of the Second Court of Appeals in cause number 02-22-00140-CR. Should Applicant decide to file a petition for discretionary review, she 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: May 8, 2024
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