



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,717

EX PARTE MICHAEL SHAWN SADLER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 07-02-14104-BCCR IN THE 220TH DISTRICT COURT
FROM BOSQUE 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 this application for writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of murder and was sentenced to thirty years' imprisonment. The Tenth Court of Appeals affirmed the conviction in an unpublished opinion. *Sadler v. State*, No. 10-07-00323-CR (Tex. App. – Waco del. Apr. 29, 2009).

Applicant contends his appellate counsel's representation denied him the opportunity to prepare and file a petition for discretionary review (PDR). This Court remanded the application to the trial court for findings of fact, and the case has been returned to this Court.

Appellate counsel filed an affidavit with the trial court admitting error, and based on the affidavit, the trial court has entered findings of fact recommending Applicant be allowed the opportunity to file a PDR. *See Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997). We hold, therefore, that Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Tenth Court of Appeals in Appeal No. 10-07-00323-CR, which affirmed his conviction in Cause No. 07-02-14104-BCCR from the 220th Judicial District Court of Bosque 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: January 25, 2012

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