



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,719

EX PARTE GEORGE CORRAEL SNEED, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1104456 IN THE 232ND DISTRICT COURT
FROM HARRIS 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated robbery and sentenced to seventy years' imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Sneed v. State*, No. 14-08-00142-CR (Tex. App.—Houston [14th Dist.] Dec. 23, 2008, pet. dismiss'd).

Applicant contends that appellate counsel rendered ineffective assistance because counsel did not advise him of his right to file petition for discretionary review *pro se*. The trial court made

findings of fact and concluded that Applicant had not demonstrated that appellate counsel was ineffective. We disagree. In a sworn affidavit, counsel stated that she did not advise Applicant of his right to file a petition for discretionary review. Nor are we persuaded that counsel was relieved of her duties under *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997) to do so because her motion to withdraw was granted before Applicant's conviction was affirmed or because Applicant filed a *pro se* brief in response to counsel's *Anders* brief. See *Anders v. California*, 386 U.S. 738 (1967). "[F]iling an *Anders* brief in the court of appeals does not relieve counsel of the duty under *Wilson* to inform the defendant that he has a right to file a *pro se* petition in this Court." *Ex parte Owens*, 206 S.W.3d 670, 671 (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 judgment of the Fourteenth Court of Appeals in case number 14-08-00142-CR that affirmed his conviction in cause number 1104456 from the 232nd District Court of Harris 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: February 1, 2012
Do not publish