



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. AP-76,776

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**EX PARTE ROBERT ALLEN COOPER, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR-2008-531 IN THE 207TH DISTRICT COURT  
FROM COMAL COUNTY**

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*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 assault causing bodily injury on a family or household member enhanced by a prior assault conviction for family violence and was sentenced to twenty years' imprisonment. The Third Court of Appeals affirmed the conviction and sentence in an unpublished opinion. *Cooper v. State*, No. 03-10-00353-CR (Tex. App. – Austin del. Feb. 25, 2011).

Applicant contends he was denied the opportunity to file a petition for discretionary review from the appellate court's opinion through no fault of his own. The trial court has entered findings of fact and recommends relief be granted. This recommendation is supported by the writ record supplied to this Court. Relief is therefore granted. *See Ex parte Riley*, 193 S.W.3d 900, 902 (Tex. Crim. App. 2006).

Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Third Court of Appeals in Cause No. 03-10-00353-CR that affirmed his conviction in Case No. CR-2008-531 from the 207th Judicial District Court of Comal 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: April 25, 2012  
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