



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. AP-76,811**

**EX PARTE CONNER LYNNE TROUTT, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. F44069 IN THE 249TH DISTRICT COURT  
FROM JOHNSON 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 assault and was sentenced to forty years' imprisonment. The Tenth Court of Appeals affirmed his conviction and sentence in an unpublished opinion. *Troutt v. State*, No. 10-10-00422-CR (Tex. App. – Waco del. Jul. 6, 2011).

Applicant contends his appellate counsel rendered ineffective assistance because counsel failed to timely file a Petition for Discretionary Review after informing Applicant he would do so. In an affidavit supplied in response to the claim, appellate counsel admits the error. Based on

counsel's affidavit, it appears Applicant is entitled to relief. *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 Cause No. 10-10-00422-CR that affirmed his conviction in Cause No. F44069 from the 249th District Court of Johnson 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. The remaining claims in Applicant's writ application are dismissed without prejudice. *See Ex parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: June 6, 2012  
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