



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. AP-76,861**

**EX PARTE CLAUDE FREDERICK LANE, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1066180D IN CRIMINAL DISTRICT COURT NUMBER TWO  
FROM TARRANT 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 two counts of sexual assault and sentenced to life imprisonment on each count. The Second Court of Appeals affirmed his convictions. *Lane v. State*, No. 02-08-00309-CR (Tex. App.–Fort Worth April 29, 2010, no pet.).

Applicant contends that he is entitled to an out-of-time petition for discretionary review (PDR) because appellate counsel failed to calendar the deadline for filing a PDR after the court of appeals issued an opinion pursuant to former Rule 50 of the Rules of Appellate Procedure. Based

on our own independent review of the record, we find that Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Second Court of Appeals in case number 02-08-00309-CR that affirmed his conviction in cause number 1066180D from Criminal District Court Number Two of Tarrant 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: August 22, 2012  
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