



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,865

EX PARTE MARIO GUADALUPE GARCIA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. F-08-59015-K IN THE CRIMINAL DISTRICT COURT NO. 4
FROM DALLAS 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 continuous sexual abuse of a child under fourteen and was sentenced to thirty-two years' imprisonment. The Fifth Court of Appeals affirmed the conviction. *Garcia v. State*, No. 05-10-00291-CR (Tex. App. – Dallas del. Jul 28, 2011).

Applicant contends he was denied his right to file a *pro se* petition for discretionary review. The trial court has entered findings of fact and conclusions of law and recommends that relief be

granted. *See Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997). Based on the trial court's findings, Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Fifth Court of Appeals in Cause No. 05-10-00291-CR that affirmed his conviction in Cause No. F-08-59015 from the Criminal District Court No. 4 of Dallas 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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