



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-77,445-02

EX PARTE DAMACIA D. BUSBY, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 978120-A IN THE 185TH DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam.

ORDER

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 injury to a child and sentenced to thirty years' imprisonment. The First Court of Appeals affirmed his conviction. *Busby v. State*, No. 01-04-01210-CR (Tex.App.—Houston [1st Dist.] del. Mar. 13, 2008).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify him that his conviction had been affirmed and failed to advise him of his right to petition *pro se* for discretionary review. Counsel has provided an affidavit stating that he no longer has the file for this case, but it is his usual practice to provide a copy of the appellate opinion to and