



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-81,409-01

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EX PARTE RANDY SCOTT, Applicant

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ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2010-429,312-A IN THE 364TH DISTRICT COURT  
FROM LUBBOCK 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of possession with intent to deliver cocaine and was sentenced to fifty years' imprisonment. The Seventh Court of Appeals affirmed the conviction. *Scott v. State*, No. 07-12-00176-CR (Tex. App.—Amarillo Oct. 17, 2012).

Applicant contends that he was denied his right, through no fault of his own, to pursue a *pro se* petition for discretionary review in this Court after his conviction was affirmed by the Seventh Court of Appeals. The trial court recommends that relief be granted, and the habeas record supports

the recommendation. *See Ex parte Wilson*, 956 S.W.2d 25(Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005).

Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Seventh Court of Appeals in Cause No. 07-12-00176-CR that affirmed his conviction in Cause No. 2010-429312 from the 364th District Court of Lubbock 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.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: June 11, 2014  
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