



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-81,639-01

EX PARTE TROY BERNARD STOKER, JR., Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1183695D IN THE CRIMINAL DISTRICT COURT NO. 3
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 aggravated sexual assault of a child and sentenced to forty years' imprisonment.

Applicant contends that he was denied the right to file a petition for discretionary review (PDR) to this Court because counsel failed to timely advise him of the appellate court's opinion and his right to file a *pro se* PDR. Appellate counsel submitted an affidavit to the habeas court stating that he mailed a timely letter to Applicant's last known address advising him of the appellate

opinion, his right to file a *pro se* PDR, and the applicable deadlines. However, counsel could not confirm whether Applicant physically received the notices. The trial court has entered findings of fact and conclusions of law recommending that relief be granted. *See Ex parte Riley*, 193 S.W. 3d 900 (Tex. Crim. App. 2006).

We find that Applicant is entitled to the opportunity to file an out-of-time appeal of the judgment of conviction in Cause No. 1183695D from the Criminal District Court Number Three 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: July 23, 2014

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