



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-64,596-03

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**EX PARTE RICHARD SCOTT CRAWFORD, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2004-407,817-B IN THE 140TH 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 aggravated assault and sentenced to eight years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Crawford v. State*, No. 07-13-00108-CR (Tex. App.—Amarillo May 7, 2014)(not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his Motion for Rehearing had been denied by the Seventh Court

of Appeals.

The trial court has entered findings of fact and conclusions of law that Applicant was improperly denied the opportunity to seek discretionary review. The trial court recommends that relief be granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997).

We find, therefore, that 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. 07-13-00108-CR that affirmed his conviction in Cause No. 2004-407,817 from the 140<sup>th</sup> 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.

Delivered: May 20, 2015  
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