



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,671-01

EX PARTE ALEX CRANK II, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2007CR10969-W1 IN THE 227TH DISTRICT COURT
FROM BEXAR 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 murder and sentenced to ninety-nine years' imprisonment. The Eighth Court of Appeals affirmed the conviction. *Crank v. State*, No. 08-09-00109-CR (Tex. App.—El Paso Apr. 29, 2011) (not designated for publication).

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 Eighth Court of Appeals. He requests an out-of-time PDR. 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 Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006).

Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Eighth Court of Appeals in Cause No. 08-09-00109-CR that affirmed his conviction in Cause No. 2007CR10969 from the 227th District Court of Bexar 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.

Applicant's remaining claims are dismissed without prejudice. *See Ex parte Torres*, 943 S.W.2d 469, 474 (Tex. Crim. App. 1997).

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

Delivered: February 4, 2015
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