



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,938-01

EX PARTE SAMUEL ARRENDADO FERRALEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-371-010299-1246930-A
IN THE 371ST JUDICIAL DISTRICT COURT 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 murder and sentenced to ninety-nine years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Ferralez v. State*, 13-12-00651-CR (Tex. App.—Corpus Christi—Edinburg, Feb. 13, 2013)(not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed and failed to inform Applicant

of his right to file a *pro se* petition for discretionary review.

Appellate counsel filed an affidavit with the trial court. The trial court has entered findings of fact and conclusions of law that appellate counsel failed to timely notify Applicant that his conviction had been affirmed and failed to provide Applicant notice of his right to file a *pro se* petition for discretionary review, along with the applicable deadlines. 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 Thirteenth Court of Appeals in Cause No. 13-12-00651-CR that affirmed his conviction in Cause No. 1246930D from the 371st Judicial District Court 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: March 25, 2015

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