



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-83,840-01**

**EX PARTE JOSE EDUARDO OROZCO, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. C-1-010428-1208005-A  
IN THE CRIMINAL DISTRICT COURT NO. 1 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 possession of a controlled substance and sentenced to thirty years' imprisonment. The Eighth Court of Appeals affirmed his conviction. *Orozco v. State*, No. 08-12-00051-CR (Tex. App. El Paso—Apr. 3, 2013).

Applicant contends that he was not notified of the appellate court's decision in this case. Appellate counsel filed an affidavit with the trial court stating that he timely sent Applicant notice, but the prison mail logs show that Applicant did not receive any legal mail in the time frame

involved. The trial court has entered findings of fact and conclusions of law that Applicant is entitled to relief due to a break down in the system. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003).

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 Eighth Court of Appeals in Cause No. 08-12-00051-CR that affirmed his conviction in Cause No. 1208005D from the Criminal District Court No. 1 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: September 23, 2015  
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