



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-84,208-01**

**EX PARTE JOSE GARZA, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1325799 IN THE 177<sup>TH</sup> DISTRICT COURT  
FROM HARRIS 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 twenty-five years' imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Garza v. State*, 14-12-00925-CR (Tex. App.—Houston [14<sup>th</sup>], Mar. 27, 2014).

Applicant contends that the appellate court's lack of notice of the denial of his motion for rehearing denied him of his right to file a *pro se* petition for discretionary review. 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 Fourteenth Court of Appeals in Cause No. 14-12-925-CR that affirmed his conviction in Cause No. 1325799 from the 177<sup>th</sup> District Court of Harris 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: December 9, 2015

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