



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-82,815-01**

**EX PARTE CORDERRAL JOHN SMITH, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR28321-A IN THE 253RD DISTRICT COURT  
FROM LIBERTY 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 capital murder and sentenced to imprisonment for life. The Thirteenth Court of Appeals affirmed his conviction. *Smith v. State*, No. 13-10-00552-CR (Tex. App.—Corpus Christi Apr. 12, 2012) (not designated for publication).

Applicant contends, among other things, that appellate counsel failed to notify Applicant that his conviction had been affirmed and failed to advise him of his right to petition for discretionary

review *pro se*. We remanded this application to the trial court for findings of fact and conclusions of law.

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. 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 Court of Appeals in case number 13-10-00552-CR that affirmed his conviction in cause number CR28321 from the 253rd District Court of Liberty 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.

Delivered: November 16, 2016  
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