



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-84,354-01

EX PARTE JEROME MARCELAS COOPER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1368272-A IN THE 176TH 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 unlawful possession of a firearm and sentenced to thirty-five years' imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Cooper v. State*, No. 14-13-00799-CR (Tex. App.—Houston [14th Dist.] June 26, 2014).

Applicant contends, among other things, that his appellate counsel failed to notify him that his conviction had been affirmed.

Appellate counsel filed an affidavit with the trial court. Based on that affidavit, the trial court

has entered findings of fact and conclusions of law that appellate counsel failed to notify Applicant that his conviction had been affirmed. The trial court recommended that we grant relief. *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 Fourteenth Court of Appeals in cause number 14-13-00799-CR that affirmed his conviction in cause number 1368272 from the 176th 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.

Applicant's remaining claim is dismissed. *See Ex parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: January 13, 2016
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