



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-84,396-01

EX PARTE FRANCISCO JAVIER PEDRAZA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 4903W1 IN THE 69TH DISTRICT COURT
FROM MOORE 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 continuing sexual abuse of a child and sentenced to life imprisonment. The Seventh Court of Appeals affirmed his conviction. *Pedraza v. State*, No. 07-14-00042-CR (Tex. App. — Amarillo, January 16, 2015) (not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to advise him of his right to file a *pro se* petition for discretionary review. .

Appellate counsel's law firm filed an affidavit with the trial court. Based on that affidavit, it appears that appellate counsel failed to advise Applicant of his right to file a *pro se* petition for discretionary review. *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 Seventh Court of Appeals in Cause No. 07-14-00042-CR that affirmed his conviction in Cause No. 4903 from the 69th District Court of Moore 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: January 27, 2016
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