



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-84,422-01**

**EX PARTE TERRY JACKSON, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2012-CR-10320-W1 IN THE 186<sup>TH</sup> DISTRICT COURT  
FROM BEXAR COUNTY**

*Per curiam. Yeary, J. not participating.*

### 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 murder and sentenced to life imprisonment. The Fourth Court of Appeals affirmed his conviction. *Jackson v. State*, No. 04-13-00911-CR (Tex. App.—San Antonio June 11, 2015)(*pet dismiss*).

Applicant contends that he placed his petition for discretionary review (PDR) in the prison mail timely, but it was not processed timely which resulted in his PDR being dismissed by this Court.

The prison mail logs were obtained by the trial court. The logs support Applicant's allegations. Based on those logs, 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 Fourth Court of Appeals in Cause No. 04-13-00911-CR that affirmed his conviction in Cause No. 2012-CR-10320 from the 186<sup>th</sup> District Court of Bexar 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: February 3, 2016  
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