



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-84,671-01

EX PARTE RAYMOND SLAGLE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 52797-A1 IN THE 30TH DISTRICT COURT
FROM WICHITA 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 three counts of aggravated sexual assault of a child and two counts of indecency with a child by contact. He was sentenced to three concurrent life sentences and two twenty-year sentences, with one of the twenty-year sentences running consecutively to the other sentences. The Second Court of Appeals affirmed his conviction. *Slagle v. State*, No. 02-14-00335-CR (Tex. App. — Fort Worth, August 6, 2015).

Applicant contends that he was denied his right to petition this Court for discretionary

review, because his appellate counsel failed to timely notify Applicant that his conviction had been affirmed and failed to advise him of his right to petition *pro se* for discretionary review.

Appellate counsel filed an affidavit with the trial court. Based on that affidavit, it appears that appellate counsel neglected to file a motion and order substituting counsel with the court of appeals, and consequently was not notified when the court of appeals issued its opinion. Appellate counsel therefore failed to timely notify Applicant that his conviction had been affirmed and failed to advise him of his right to petition for discretionary review *pro se*. See *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 Second Court of Appeals in Cause No. 02-14-00335-CR that affirmed his conviction in Cause No. 52,797-A from the 30th District Court of Wichita 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: March 23, 2016
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