



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-84,917-01

EX PARTE JOSHUA DWAYNE DAVIS , Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. B-11-0277-SB IN THE 119TH DISTRICT COURT
FROM TOM GREEN 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 possession of a controlled substance, cocaine, with intent to deliver and sentenced to twenty-five years' imprisonment. The Third Court of Appeals affirmed his conviction. *Davis v. Texas*, No. 03-12-00203-CR (Tex. App.—Austin Aug. 27, 2013)(not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed.

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 Third Court of Appeals in Cause No. 03-12-00203-CR that affirmed his conviction in Cause No. B-11-0277-SB from the 119th District Court of Tom Green 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: May 4, 2016
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