



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-84,221-02**

**EX PARTE KEVIN SCOTT, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 18616B IN THE 104<sup>TH</sup> DISTRICT COURT  
FROM TAYLOR 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 assault-family violence and sentenced to eight years' imprisonment. The Eleventh Court of Appeals affirmed his conviction. *Scott v. State*, No. 11-14-00131-CR (Tex. App.—Eastland, Aug. 6, 2015).

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

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 advise him of his right to petition for discretionary review *pro se*. 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 Eleventh Court of Appeals in Cause No. 11-14-00131-CR that affirmed his conviction in Case No. 18616-B from the 104<sup>th</sup> District Court of Taylor County, Texas. 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 claims are dismissed. *Ex Parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: July 26, 2017

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