



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-86,551-01

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**EX PARTE YARA PEREZ, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 20100D01057-346-1 IN THE 346<sup>TH</sup> DISTRICT COURT  
FROM EL PASO COUNTY**

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*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 capital murder and injury to a child and sentenced to life without parole and thirty-five years' imprisonment, respectively. The Eighth Court of Appeals affirmed her convictions. *Perez v. State*, No. 08-12-00340-CR (Tex. App.—El Paso Aug. 19, 2015) (not designated for publication).

Applicant contends that her appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that her convictions had been affirmed. We remanded this

application to the trial court for findings of fact and conclusions of law.

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 Applicant has been deprived of her right to pursue discretionary review due to a breakdown in the system. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006).

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 Eighth Court of Appeals in Cause No. 08-12-00340-CR that affirmed her conviction in Cause No. 20100D01057 from the 346<sup>th</sup> District Court of El Paso County. Applicant shall file her petition for discretionary review with this Court within 30 days of the date on which this Court's mandate issues.

Delivered: November 8, 2017  
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