



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,020-01

EX PARTE ELISHA LINVILLE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 39,010-A IN THE 66TH DISTRICT COURT
FROM HILL 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 aggravated assault and sentenced to fifty years' imprisonment. The Sixth Court of Appeals affirmed his conviction. *Linville v. State*, No. 06-16-00055-CR (Tex. App.—Texarkana Aug. 18, 2016) (not designated for publication).

Applicant contends that his appellate counsel failed to timely notify him that his conviction was affirmed. We remanded this application to the trial court for findings of fact and conclusions

of law.

Based on our own independent review of the record, we conclude that Applicant was deprived of the opportunity to file a timely petition for discretionary review (PDR). We find, therefore, that Applicant is entitled to the opportunity to file an out-of-time PDR of the judgment of the Sixth Court of Appeals in cause number 06-16-00055-CR that affirmed his conviction in cause number 39,010 from the 66th District Court of Hill 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: September 27, 2017

Do not publish