



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,300-01

EX PARTE LEE DARIAN SCOTT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1102977-A IN THE 178TH DISTRICT COURT
FROM HARRIS 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 cocaine and sentenced to forty-five years' imprisonment. The First Court of Appeals affirmed his conviction. *Scott v. Texas*, No. 01-07-00865-CR (Tex. App.—Houston [1st Dist.] June 19, 2008) (not designated for publication).

Applicant contends that he did not timely receive appellate counsel's letter informing him that his conviction had been affirmed. The trial court made findings of fact and conclusions of law

and recommended that we grant Applicant an out-of-time petition for discretionary review. *See Ex parte Riley*, 193 S.W.3d 900, 902 (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 First Court of Appeals in cause number 01-07-00865-CR that affirmed his conviction in cause number 1102977 from the 178th District Court of Harris 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. Applicant's remaining grounds are dismissed.

Delivered: September 13, 2017
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