



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,248-01

EX PARTE GEORGIA LEE JONES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W09-71128-M(A) IN THE 194TH DISTRICT COURT
FROM DALLAS 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 injury to a child and sentenced to sixteen years' imprisonment. The Fifth Court of Appeals affirmed her conviction. *Jones v. State*, No. 05-13-00402-CR (Tex. App.—Dallas Mar. 26, 2014) (not designated for publication).

Applicant contends that appellate counsel rendered ineffective assistance because counsel failed to timely notify her that her conviction 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 appellate counsel failed to timely notify Applicant that her 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 Fifth Court of Appeals in cause number 05-13-00402-CR that affirmed her conviction in cause number F-0971128-M from the 194th District Court of Dallas 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: February 28, 2018
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