



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-85,832-01**

**EX PARTE WILLIAM HENRY JOHNSON, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2012CRN000199-D1(A) IN THE 49TH DISTRICT COURT  
FROM WEBB 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 one count of murder and one count of aggravated assault, and was sentenced to life imprisonment for the murder count and seventy years' imprisonment for the aggravated assault count. The Fourth Court of Appeals affirmed his conviction. *Johnson v. State*, 04-13-00912-CR (Tex. App. — San Antonio, June 10, 2015) (not designated for publication).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel

failed to timely notify Applicant that his conviction had been affirmed and failed to advise him of his right to petition *pro se* for discretionary review. We remanded this application to the trial court for findings of fact and conclusions of law.

Appellate counsel filed a response with the trial court. Based on that response, the trial court has entered findings of fact and conclusions of law that appellate counsel failed to timely notify Applicant that his conviction had been affirmed and failed to advise him of his right to petition for discretionary review *pro se*. See *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 Fourth Court of Appeals in Cause No. 04-13-00912-CR that affirmed his conviction in Cause No. 2012CRN000199-D1(A) from the 49th District Court of Webb 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: March 21, 2018  
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