



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-88,122-01**

**EX PARTE JOE LEE JORDAN, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W219-80717-2014-HC IN THE 219th DISTRICT COURT  
FROM COLLIN 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 with a deadly weapon and sentenced to forty years' imprisonment. The Eighth Court of Appeals affirmed his conviction. *Jordan v. State*, No. 08-15-00138-CR (Tex. App.—El Paso July 6, 2016) (not designated for publication).

Applicant contends that he was deprived of his right to file a *pro se* petition for discretionary review through no fault of his own. Specifically, Applicant alleges he did not timely receive notice

of the appellate court's decision and his right to pursue discretionary review on his own due to treatment for various illnesses and transfers within the prison system.

Based on the record, the trial court has entered findings of fact and conclusions of law that Applicant was deprived of his right to file a *pro se* petition for discretionary review through no fault of his own. 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. 08-15-00138-CR that affirmed his conviction in Cause No. 219-80717-2014 from the 219th District Court of Collin 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  
Do not publish