



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-88,313-01

EX PARTE IVAN LOPEZ-SALAS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. F15-1357-367 WHC 1 IN THE 367TH DISTRICT COURT
FROM DENTON 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 continuous sexual abuse of a child and two counts of sexual assault. He was sentenced to imprisonment for fifty, twenty, and ten years. The Second Court of Appeals affirmed his convictions. *Lopez-Salas v. State*, No. 02-15-00294-CR (Tex. App.—Fort Worth Mar. 30, 2017) (not designated for publication).

In a single ground, Applicant contends that appellate counsel failed to notify him of his right

to file a *pro se* petition for discretionary review.

We remanded this application to the trial court for further findings of fact and conclusions of law. Based on an affidavit appellate counsel filed, the trial court has made further findings and conclusions that appellate counsel was deficient. 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 Second Court of Appeals in cause number 02-15-00294-CR that affirmed his convictions in cause number F15-1357-367 from the 367th District Court of Denton 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: August 22, 2018
Do not publish