



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-88,349-01 & WR-88,349-02

EX PARTE JEREMY CHAD BRAUN, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 069,062-01-B-WR & 069,063-01-B-WR
IN THE 181ST DISTRICT COURT
FROM POTTER 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of unlawful possession of a firearm and possession with intent to deliver controlled substances in a drug free zone. He was sentenced to ten years' imprisonment in the firearm possession case and seventy years' imprisonment in the controlled substance case. The Seventh Court of Appeals affirmed his convictions. *Braun v. State*, Nos. 07-15-00351-CR & 07-15-00352-CR (Tex. App.—Amarillo Aug. 11, 2017) (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 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 his conviction had been affirmed and failed to advise him of his right to petition for discretionary review *pro se*. Based on the record, it is evident that Applicant is entitled to relief. *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 Seventh Court of Appeals in Cause Nos. 07-15-00351-CR and 07-15-00352-CR that affirmed his convictions in Cause Nos. 69,062-B and 69,063-B from the 181st District Court of Potter 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: November 7, 2018
Do not publish