



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,091-01

EX PARTE SIDNEY ALEX WORK, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 3106A IN THE 35TH DISTRICT COURT
FROM MILLS 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 possession of a controlled substance and tampering with physical evidence and sentenced to imprisonment. The Third Court of Appeals affirmed the convictions. *Work v. State*, No. 03-18-00244-CR (Tex. App.—Austin del. May 24, 2018).

Applicant contends that he was denied his right, through no fault of his own, to pursue a *pro se* petition for discretionary review in this Court after his convictions were affirmed by the Third Court of Appeals. The trial court recommends that relief be granted by allowing an out-of-time petition for discretionary review, and the habeas record supports the recommendation. *See Ex parte*

Wilson, 956 S.W.2d 25 (Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005).

Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Third Court of Appeals in Cause No. 03-18-00244-CR that affirmed his convictions in Cause No. 3106 from the 35th District Court of Mills 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.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: October 31, 2018
Do not publish