



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,551-01

EX PARTE REYNALDO ALBERTO CANTU, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2013-08-7359-A IN THE 24TH DISTRICT COURT
FROM CALHOUN 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 continuous sexual abuse of a young child and sentenced to life imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Cantu v. State*, No. 13-14-00133-CR (Tex. App.—Corpus Christi Jan. 11, 2018) (not designated for publication).

Applicant contends, among other things, that appellate counsel failed to timely inform him that his conviction had been affirmed and advise him of his right to file a *pro se* petition 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 made findings of fact and conclusions of law and recommended that we grant Applicant an out-of-time petition for discretionary review. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997).

Relief is granted. Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Thirteenth Court of Appeals in cause number 13-14-00133-CR that affirmed conviction in cause number 2013-08-7359 from the 24th District Court of Calhoun 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. Applicant's remaining claims are dismissed. *Ex parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: June 19, 2019
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