



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,722-01

EX PARTE ANTHONY J WHITE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-432-W011481-1356983-A IN THE 432ND DISTRICT COURT
FROM TARRANT 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 robbery and sentenced to forty years' imprisonment. The Second Court of Appeals affirmed his conviction in an unpublished decision. *White v. State*, No. 02-15-00131-CR (Tex. App.—Fort Worth del. Feb. 4, 2016).

Applicant contends that his appellate counsel, who is deceased, failed to timely inform him of the appellate court's decision and of his right to file a *pro se* petition for discretionary review. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997). He requests that he be allowed to file an out-

of-time petition for discretionary review. The State agrees that Applicant was denied his right to pursue a *pro se* petition for discretionary review through no fault of his own, and the trial court has entered findings of fact and conclusions of law recommending that an out-of-time petition for discretionary be granted.

The findings and recommendation are supported by the habeas record. 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 No. 02-15-00131-CR that affirmed his conviction in Cause No. 1356983D from the 432nd District Court of Tarrant 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: June 5, 2019
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