



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-89,790-01 & WR-89,790-02

EX PARTE LUKE HAMPTON, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 14-00033A-86-F & 14-00034A-86-F
IN THE 86TH DISTRICT COURT FROM KAUFMAN 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 aggravated sexual assault of a child and indecency with a child. He was and sentenced to fifty years' and ten years' imprisonment respectively. The Fifth Court of Appeals modified and affirmed his convictions. *Hampton v. State*, Nos. 05-15-00509-CR & 05-15-00510-CR (Tex. App.—Dallas June 13, 2016)(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 these applications to the trial court for findings of fact and conclusions of law.

Appellate counsel filed an affidavit with the trial court and mail logs were obtained from the prison where Applicant was housed. Based on those records, 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*. 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 out-of-time petitions for discretionary review of the judgments of the Fifth Court of Appeals in Cause Nos. 05-15-00509-CR & 05-15-00510-CR that affirmed his convictions in Cause Nos. 14-00033-86-F & 14-00034-86-F from the 86th District Court of Kaufman County. Applicant shall file his petitions for discretionary review with this Court within 30 days of the date on which this Court's mandate issues.

Delivered: October 23, 2019

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