



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,995-01

EX PARTE JUAN ERIK FLORES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. B14289-1 IN THE 198TH DISTRICT COURT
FROM KERR 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 two counts of aggravated sexual assault and sentenced to ninety-five years' imprisonment on each count. The Fourth Court of Appeals affirmed his convictions. *Flores v. State*, No. 04-15-00704-CR (Tex. App.—San Antonio Sept. 7, 2016) (not designated for publication).

Applicant contends that appellate counsel failed to timely notify him that his conviction had been affirmed and 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.

On remand, 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 and recommended 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 an out-of-time petition for discretionary review of the judgment of the Fourth Court of Appeals in cause number 04-15-00704-CR that affirmed his conviction in cause number B14289 from the 198th District Court of Kerr 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: September 11, 2019
Do not publish