



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,473-01

EX PARTE JOSHUA LEE GONZALEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-297-W011496-1353422-A IN THE 297TH 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 capital murder and sentenced to life imprisonment. The Second Court of Appeals affirmed his conviction. *Gonzalez v. State*, No. 02-16-00192-CR (Tex. App.—Fort Worth Aug. 17, 2017) (not designated for publication).

Applicant contends that appellate counsel failed to timely notify Applicant that his conviction had been affirmed. Appellate counsel filed an affidavit with the trial court. Based on that affidavit, the trial court has made 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 Second Court of Appeals in cause number 02-16-00192-CR that affirmed his conviction in cause number 1323422D from the 297th 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: October 30, 2019

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