



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-81,490-02**

**EX PARTE ELIJAH DECOLE WOODS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 26908 HC-1 IN THE 6TH DISTRICT COURT  
FROM LAMAR COUNTY**

*Per curiam.*

## OPINION

Applicant was convicted of delivery of a controlled substance and sentenced to 30 years' imprisonment. The Sixth Court of Appeals affirmed his conviction. *Woods v. State*, No. 06-16-00227-CR (Tex. App.–Texarkana, Oct. 18, 2017). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify him that his direct appeal had been affirmed and that he had the right to file a *pro se* PDR. We remanded this application to the trial court for development of the record and findings of fact and conclusions of law.

The trial court has determined that appellate counsel failed to timely inform Applicant that he could file a *pro se* PDR. As a result, Applicant lost the opportunity to timely file a *pro se* PDR.

Relief is granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005). Applicant may file an out-of-time petition for discretionary review of the judgment of the Court of Appeals in cause number 06-16-00227-CR. Should Applicant decide to file a petition for discretionary review, he must file it with this Court within thirty days from the date of this Court's mandate.

Applicant's remaining claim is denied.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: February 12, 2020  
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