



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-90,066-01

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**EX PARTE DAVID KEITH SAULS, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 58646-B-1 IN THE 78<sup>TH</sup> DISTRICT COURT  
FROM WICHITA COUNTY**

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*Per curiam.*

## OPINION

Applicant was convicted of evading arrest and sentenced to twenty-five years' imprisonment. The Second Court of Appeals affirmed his conviction. *Sauls v. State*, No. 02-17-00224-CR (Tex. App.—Ft. Worth June 28, 2018). 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 appellate counsel failed to timely inform Applicant that his conviction had been affirmed and advise him of his right to file a *pro se* petition for discretionary review. Based on the record, the trial court has determined that Applicant did not receive timely notice of the appellate opinion and that he was deprived his right to file a *pro se* petition for

discretionary review because of the late receipt of the opinion.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003). Applicant may file an out-of-time petition for discretionary review of the judgment of the Second Court of Appeals in cause number 02-17-00224-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.

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: April 29, 2020  
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