



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-90,599-01**

**EX PARTE DANIEL MORENO, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1540276-A IN THE 337<sup>TH</sup> DISTRICT COURT  
FROM HARRIS COUNTY**

*Per curiam.*

## OPINION

Applicant was convicted of continuous sexual abuse of a child and sentenced to twenty-five years' imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Moreno v. State*, No. 14-18-00113-CR (Tex. App.—Houston [14<sup>th</sup> Dist.] May 7, 2019) (not designated for publication). 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 he was deprived of his opportunity to pursue discretionary review due to a breakdown in the system and, alternatively, due to ineffective assistance of appellate counsel. Based on the record, the trial court has determined that a breakdown in the system prevented Applicant from pursuing a petition for a discretionary review.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006). Applicant may file an out-of-time petition for discretionary review of the judgment of the Fourteenth Court of Appeals in cause number 14-18-00113-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: March 11, 2020  
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