



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,708-02

EX PARTE SAMUEL HERSCHEL CLAUDER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 57648-B IN THE 78TH DISTRICT COURT
FROM WICHITA COUNTY**

Per curiam.

OPINION

Applicant was convicted of possession of marihuana and sentenced to 2 years' imprisonment. He 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 file a petition for discretionary review (PDR). As a result, Applicant lost the opportunity to file a PDR. The record supports this contention.

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 Second Court of Appeals in cause number 02-17-00420-

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 15, 2020

Do not publish