



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-90,923-01 & 90,923-02

EX PARTE GILBERT ANTONIO GUILLEN-HERNANDEZ, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 16-DCR-075926-HC-1 & 17-DCR-076852-HC-1
IN THE 458TH DISTRICT COURT
FROM FORT BEND COUNTY**

Per curiam.

OPINION

Applicant was convicted of continuous sexual abuse of a child and sexual assault of a child and sentenced to terms of life and 20 years' imprisonment. The First Court of Appeals affirmed his convictions. *Guillen-Hernandez v. State*, Nos. 01-18-00461-CR and 01-18-00462-CR (Tex. App.—Houston [1st Dist.] July 2, 2019). Applicant filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that appellate counsel was ineffective because counsel failed to notify him when his appeals were affirmed and did not timely inform him of his right to file pro se PDRs. Based

on the record, the trial court has determined that Applicant, through no fault of his own, was denied timely notice of the Court of Appeals' affirmance and of the right to file pro se petitions for discretionary review.

Relief is granted. *Smith v. Robbins*, 528 U.S. 259 (2000); *Ex parte Miller*, 330 S.W.3d 610 (Tex. Crim. App. 2009). Applicant may file out-of-time PDRs of the judgments of the First Court of Appeals in case numbers 01-18-00461-CR and 01-18-00462-CR that affirmed his convictions in cause numbers 16-DCR-075926-CR and 17-DCR-076852 from the 458th District Court of Fort Bend County. Applicant shall file his PDRs with this Court within 30 days of the date on which this Court's mandate issues.

Delivered: September 23, 2020
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