



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,750-01

EX PARTE ROBERT CHARLES ATLAS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-372-W011802-1429689-A IN THE 372ND DISTRICT COURT
FROM TARRANT COUNTY**

Per curiam.

OPINION

Applicant was convicted of capital murder and sentenced to life imprisonment. The Second Court of Appeals affirmed his conviction. *Atlas v. State*, No. 02-15-00380-CR (Tex. App.—Ft. Worth, June 29, 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 appellate counsel was ineffective because he failed to timely file a PDR. Based on the record, the trial court has determined that appellate counsel's performance denied Applicant the opportunity to file a PDR.

Relief is granted. We find that Applicant is entitled to the opportunity to file an out-of-time PDR of the judgment of the Second Court of Appeals in case number 02-15-00380-CR that affirmed

his conviction in Cause No. 1429689 from the 372nd District Court of Tarrant County. Applicant shall file his PDR with this Court within 30 days of the date on which this Court's mandate issues.

Delivered: October 21, 2020

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