



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,938-02

EX PARTE SHERMAN ROBINSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 0702-W1 IN THE 187TH DISTRICT COURT
FROM BEXAR COUNTY**

Per curiam.

OPINION

Applicant was convicted of aggravated assault of a public servant and sentenced to sixty-five years' imprisonment. The Fourth Court of Appeals affirmed his conviction. *Robinson v. State*, No. 04-17-00397-CR (Tex. App. —San Antonio, Jan. 18, 2019). 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 was denied his right to file a petition for discretionary review due to a break down in the system.

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 Fourth Court of Appeals in cause number 04-17-00397-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.

Applicant's remaining claims are dismissed. *Ex Parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: July 28, 2021
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