



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-92,250-01**

**EX PARTE FELICIANO CRUZ, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR16002706-F(1) IN THE 214TH DISTRICT COURT  
FROM NUECES COUNTY**

*Per curiam.*

### OPINION

Applicant was convicted of one count of murder and one count of tampering with or fabricating physical evidence. He was sentenced to life imprisonment for the murder count and ten years' imprisonment for the tampering with evidence count, to be served concurrently. The Thirteenth Court of Appeals affirmed his conviction. *Cruz v. State*, No. 13-17-00683-CR (Tex. App. — Corpus Christi January 9, 2020) (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 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 appellate counsel's performance was deficient and that Applicant would have timely filed a petition for discretionary review but for counsel's deficient performance.

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 Thirteenth Court of Appeals in cause number 13-17-00683-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: November 10, 2021  
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