



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-92,459-01**

**EX PARTE JACK GERALD LARKINS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR14002677-H(1) IN THE 347TH DISTRICT COURT  
FROM NUECES COUNTY**

*Per curiam.*

## OPINION

Applicant was convicted of two counts of aggravated sexual assault, one count of theft, and one count of aggravated kidnapping and sentenced to 80 years' imprisonment for each of the aggravated sexual assault counts, 180 days in county jail for the theft count, and fifty years' imprisonment for the aggravated kidnapping count. The Thirteenth Court of Appeals affirmed his conviction. *Larkins v. State*, No. 13-16-00356-CR (Tex. App. — Corpus Christi - Edinburg October 18, 2018) (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 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 13-16-00356-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 14, 2021  
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