



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,573-01

EX PARTE ANTHONY AUZENNE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1501641-A IN THE 177TH DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam.

OPINION

Applicant was convicted of aggravated assault and sentenced to fifteen years' imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Auzenne v. State*, No. 14-17-00456-CR (Tex. App.—Houston [14th Dist.] del. Jul. 19, 2018). 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. This Court remanded the application to the trial court to resolve disputed factual issues, and the trial court returned the application to this Court.

Applicant contends that appellate counsel failed to timely inform him that his conviction had been affirmed, which he says denied him of his right to seek a petition for discretionary review from this Court. On remand, Appellate counsel provided a response, and the trial court entered findings.

Based on the record, and with the State's agreement, the trial court has determined that this Court should grant Applicant an out-of-time petition for discretionary review. The trial court's findings and recommendation are supported by the record and applicable law. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005).

Relief is granted. Applicant may file an out-of-time petition for discretionary review of the judgment of the Fourteenth Court of Appeals in cause number 14-17-00456-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: September 15, 2021

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