



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-92,678-01, WR-92,678-02, & WR-92,678-03

EX PARTE JACOB ALAN EDGAR, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 73,481-E-WR, 73,482-E-WR, 73,480-E-WR
IN THE 108TH DISTRICT COURT FROM POTTER COUNTY**

Per curiam.

OPINION

Applicant was convicted of aggravated assault with a deadly weapon, burglary of a habitation, and unlawful possession of a firearm by a felon, and sentenced to 99 years, 99 years, and 20 years' imprisonment, respectively. The Seventh Court of Appeals affirmed his convictions. *Edgar v. State*, Nos. 07-18-00327-CR, 07-18-00328-CR, & 07-18-00329-CR (Tex. App.—Amarillo, Jan. 24, 2020). Applicant filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them 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. The trial court made findings based, in part, on counsel's response and records from the prison's mail room. Among other things, the court found that counsel attempted to timely notify Applicant of the appellate opinion and of his right to file a Petition for Discretionary Review, and that Applicant's prison mail room has "no record indicating mail received for" Applicant. Based on the record, the trial court has determined that Applicant was denied his right to file a *pro se* petition for discretionary review.

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 judgments of the Seventh Court of Appeals in cause numbers 07-18-00327-CR, 07-18-00328-CR, and 07-18-00329-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: December 8, 2021
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