



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

NO. WR-93,091-01

---

---

**EX PARTE JOSEPH GONZALEZ JR, Applicant**

---

---

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2017-411,476-A IN THE 364<sup>TH</sup> DISTRICT COURT  
FROM LUBBOCK COUNTY**

---

---

*Per curiam.*

## OPINION

Applicant was convicted of aggravated robbery and sentenced to sixty years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Gonzalez v. State*, No. 07-19-00314-CR (Tex. App.—Amarillo Sep. 16, 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. 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 Seventh Court of Appeals in cause number 07-19-00314-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 29, 2021  
Do not publish