IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,804-02

EX PARTE ARMANDO IGLESIAS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 20160D03284-384-2 IN THE 384TH DISTRICT COURT
FROM EL PASO COUNTY

Per curiam.

O P I N I O N

Applicant was convicted of possessing a deadly weapon in a penal institution and sentenced to forty years' imprisonment. The Eighth Court of Appeals affirmed his conviction. *Iglesias v. State*, No. 08-16-00311-CR (Tex. App. — El Paso, Oct. 17, 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.

The Court received this writ application on April 8, 2021, wherein Applicant complained that he had been denied his right to file a *pro se* Petition for Discretionary Review (PDR) due to a breakdown in the system. On August 18, 2021, this Court dismissed

it as a subsequent writ application. However, Applicant's prior writ application did not challenge either the conviction or the punishment. This Court has determined that the writ was dismissed in error. After reconsideration on its own motion, the Court finds that the application should have been granted on the merits. Accordingly, the Court withdraws its prior order dismissing this application as subsequent and enters an opinion granting Applicant the right to file an out-of-time 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 judgment of the Eighth Court of Appeals in cause number 08-16-00311-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: June 29, 2022
Do not publish