



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-93,330-01 & WR-93,330-02

EX PARTE LOVELL KELLY, JR., Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 1519288-A & 1519289-A IN THE 182ND DISTRICT COURT
FROM HARRIS COUNTY

Per curiam.

OPINION

Applicant was convicted of aggravated assault and felon in possession of a firearm and sentenced to seventeen years' imprisonment in each cause. The Fourteenth Court of Appeals affirmed his convictions. *Kelly v. State*, Nos. 14-18-00104-CR & 14-18-00105-CR Mar. 7, 2019)(not designated for publication). 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 convictions had been affirmed and 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 judgments of the Fourteenth Court of Appeals in cause numbers 14-18-00104-CR & 14-18-00105-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 7, 2022
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