



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,585-01

EX PARTE BRANDON DESHAWN HUMES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-1-W012042-1483296-A IN THE CRIMINAL
DISTRICT COURT NO. 1 FROM TARRANT COUNTY**

Per curiam.

OPINION

Applicant was convicted of murder and sentenced to fifty-five years' imprisonment. The Second Court of Appeals affirmed his conviction. *Humes v. State*, No. 02-17-00419-CR (Tex. App. — Fort Worth, Feb. 14, 2019, no pet.). 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 and advise him of his right to file a *pro se* petition for discretionary review. Counsel states he timely informed Applicant of his rights via letter but Applicant did not receive the letter. Based on the record, this Court has determined that Applicant would have timely

filed a petition for discretionary review but for a break-down in the system.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003); *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 Second Court of Appeals in cause number 02-17-00419-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: March 30, 2022
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