



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-93,719-01**

**EX PARTE BRYAN O. KOSSIE, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1356861-A IN THE 176TH DISTRICT COURT  
FROM HARRIS COUNTY**

*Per curiam.*

### OPINION

Applicant was convicted of murder and sentenced to forty-five years' imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Kossie v. State*, No. 14-14-00991-CR (Tex. App. – Houston [14<sup>th</sup> Dist.] April 5, 2016) (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, among other things, that he was denied his right to petition this Court for discretionary review because his 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. Based on the record, the trial court has determined that appellate counsel suffered a

debilitating stroke approximately one month before the court of appeals issued its opinion, and that it is unlikely that appellate counsel provided Applicant with the requisite notice. The trial court finds that Applicant was denied his right to file a petition for discretionary review due to a “breakdown in the system.” *Ex parte Riley*, 193 S.W. 3d 900 (Tex. Crim. App. 2006).

Relief is granted. Applicant may file an out-of-time petition for discretionary review of the judgment of the Fourteenth Court of Appeals in cause number 14-14-00991-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: May 4, 2022  
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