



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-93,720-01**

**EX PARTE JIMMY GONZALES, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 20681-A IN THE 23<sup>RD</sup> DISTRICT COURT  
FROM WHARTON COUNTY**

*Per curiam.* SLAUGHTER, J. filed a concurring opinion.

## OPINION

Applicant was convicted of continuous sexual abuse of a child and sentenced to twenty-five years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Gonzales v. State*, No. 13-18-00193-CR (Tex. App.—Corpus Christi-Edinburgh Nov. 29, 2018)(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 is entitled to an out of time petition for discretionary review.

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 Thirteenth Court of Appeals in cause number 13-18-00193-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.

Applicant's remaining claims are dismissed. *Ex Parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997). 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: January 11, 2023  
Do not publish