



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-94,752-01**

**EX PARTE CLONE KINSEY, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1650087-A IN THE 228TH DISTRICT COURT  
FROM HARRIS COUNTY**

*Per curiam.*

### OPINION

Applicant was convicted of continuous sexual abuse of a child and sentenced to 32 years' imprisonment. He 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 he did not receive timely notice from the appellate court or counsel notifying him of the disposition of his appeal and informing him of his right to file a petition for discretionary review (PDR). He states that he would have filed a PDR if he had been aware of his rights. He avers that he is entitled to an out-of-time PDR. *Ex parte Florentino*, 206 S.W.3d 124, 125 (Tex. Crim. App. 2006). Based on the record, the trial court has determined that Applicant was denied the right to file a *pro se* PDR through no fault of his own.

Relief is granted. *Ex parte Riley*, 193 S.W.3d 900, 902 (Tex. Crim. App. 2003) (“In this case, there was a breakdown in the system, and due process requires that Applicant be permitted to exercise his statutory right to file a petition for discretionary review.”) Applicant may file an out-of-time PDR of the judgment of the First Court of Appeals in cause number 01-20-00088-CR. Should Applicant decide to file a PDR, 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 17, 2023  
Do not publish