



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-95,069-01 & WR-95,069-02

EX PARTE CHRISTOPHER LEE MABE, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 42608CR/A & 42609CR/A IN THE 40TH DISTRICT COURT
FROM ELLIS COUNTY

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

OPINION

Applicant was originally placed on deferred adjudication for a period of ten years for aggravated sexual assault of a child. Later, he was adjudicated guilty and sentenced to imprisonment for life. The Tenth Court of Appeals affirmed his convictions. *Mabe v. State*, Nos. 10-21-00282-CR & 10-21-00283-CR (Tex. App.—Waco July 27, 2022) (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 advise him of his right to file *pro se* petitions 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 petitions 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 out-of-time petitions for discretionary review of the judgments of the Tenth Court of Appeals in cause numbers 10-21-00282-CR & 10-21-00283-CR. Should Applicant decide to file petitions for discretionary review, he must file them 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: November 1, 2023
Do not publish