



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. AP-76,680

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**EX PARTE BRIAN TERRELL NORWOOD, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 46594-C IN THE 89<sup>TH</sup> JUDICIAL DISTRICT COURT  
FROM WICHITA COUNTY**

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*Per curiam.*

### O P I N I O N

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of murder and sentenced to ninety-nine years' imprisonment. The Second Court of Appeals affirmed his conviction. *Norwood v. State*, No. 02-08-214-CR (Tex. App. – Fort Worth, April 23, 2009).

Applicant contends, *inter alia*, that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed.

Appellate counsel filed an affidavit with the trial court. Based on that affidavit, the trial court

has entered findings of fact and conclusions of law that appellate counsel failed to timely notify Applicant that his conviction had been affirmed. The trial court recommends that relief be granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997). We find, therefore, that Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Second Court of Appeals in Cause No. 02-08-214-CR that affirmed his conviction in Cause No. 46594-C from the 89<sup>th</sup> Judicial District Court of Wichita County. Applicant shall file his petition for discretionary review with this Court within 30 days of the date on which this Court's mandate issues.

Delivered: November 9, 2011  
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