



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. AP-76,685

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EX PARTE WARREN TEEL, Applicant

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ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1112059D IN THE 396<sup>TH</sup> DISTRICT COURT  
FROM TARRANT COUNTY

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*Per curiam.*

## OPINION

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 aggravated robbery with a deadly weapon and sentenced to fifty years' imprisonment. The Second Court of Appeals affirmed his conviction. *Teel v. State*, No. 02-09-00150-CR (Tex. App.–Fort Worth Nov. 24, 2010) (unpublished).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed and that he was denied

discretionary review.

Appellate counsel filed an affidavit and exhibits with the trial court and prison authorities submitted mail logs for the relevant period of time following the appellate court's decision. The trial court found that Applicant never received appellate counsel's letter informing him of the appellate decision and his right to pursue discretionary review. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900, 902 (Tex. Crim. App. 2006). 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. 02-09-00150-CR that affirmed his conviction in Case No. 1112059D from the 396<sup>th</sup> Judicial District Court of Tarrant 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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