



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,697

EX PARTE BRANDON SCOTT BLASDELL, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 07-11-11972-CR IN THE 9TH DISTRICT COURT
FROM MONTGOMERY COUNTY**

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 and sentenced to thirty years' imprisonment. The Ninth Court of Appeals affirmed his conviction. *Blasdell v. State*, No. 09-09-00286-CR (Tex. App.–Beaumont, October 6, 2010).

Applicant contends that his appellate counsel failed to timely notify Applicant that his conviction had been affirmed.

Appellate counsel filed an affidavit with the trial court stating that due to a change in offices,

she cannot provide proof that Applicant received notice that his appeal was affirmed. Based on that affidavit, the trial court has entered findings of fact and conclusions of law that Applicant should be allowed to file an out-of-time petition for discretionary review. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2003). 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 Ninth Court of Appeals in Cause No. 09-09-00826-CR that affirmed his conviction in Case No. 07-11-11972-CR from the 9th Judicial District Court of Montgomery 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.

Applicant's remaining claims are dismissed. *Ex Parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Delivered: November 23, 2011
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