



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,837

EX PARTE WILLIAM EDWARD MARCHBANKS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1188975R IN THE CRIMINAL DISTRICT COURT NO. 1
FROM TARRANT 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated assault against a public servant and aggravated robbery and was sentenced to concurrent terms of thirty-eight and thirty-five years' imprisonment, respectively. The Second Court of Appeals affirmed the convictions in a published opinion. *Marchbanks v. State*, 341 S.W.3d 559, No. 02-10-00134-CR (Tex. App. – Fort Worth 2011).

Applicant contends he was not advised of his right to file a *pro se* petition for discretionary review. 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 recommending that relief be granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997). The findings and recommendation are supported by the writ record provided to this Court.

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. 02-10-00134-CR that affirmed his convictions in Cause No. 1188975R from the Criminal District Court No. 1 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: August 22, 2012
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