



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,864

EX PARTE GUADALUPE VASQUEZ, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2004-404,954 IN THE 137TH DISTRICT COURT  
FROM LUBBOCK 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 assault on a public servant and aggravated assault on a public servant, and he was sentenced, respectively, to concurrent terms of ten years and ninety-nine years in prison. The Seventh Court of Appeals affirmed the convictions in an unpublished opinion. *Vasquez v. State*, No. 07-04-000482-CR (Tex. App. – Amarillo del. Aug. 19, 2005).

Applicant contends he was denied his right to pursue a petition for discretionary review from the appellate court's decision. Appellate counsel has provided an affidavit regarding the claim, and

based on that affidavit, the trial court has entered findings of fact and conclusions of law recommending relief be granted. *See Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997).

We agree with the trial court and hold that Applicant is entitled to the opportunity to file an out-of-time petition for discretionary review of the judgment of the Seventh Court of Appeals in Appeal No. 07-04-000482-CR that affirmed his conviction in Cause No. 2004-404954 from the 137th District Court of Lubbock 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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