



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,878

EX PARTE GREGORY WAYNE WILSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 57,774-E IN THE 108TH DISTRICT COURT
FROM POTTER 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 possession of a controlled substance and sentenced to ten years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Wilson v. State*, No. 07-10-0347-CR (Tex. App.—Amarillo October 25, 2011).

Applicant contends, *inter alia*, that his appellate counsel failed to timely notify Applicant that his conviction had been affirmed. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997). We find that Applicant did not receive timely notice that his conviction had been affirmed and that he had

a right to file a *pro se* petition for discretionary review.

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 Seventh Court of Appeals in Cause No. 07-10-0347-CR that affirmed his conviction in Cause No. 57,774-E from the 108th District Court of Potter 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: September 12, 2012

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