



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,950

EX PARTE SCOTTIE DWAYNE HADNOT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 47,179-A IN THE 30TH DISTRICT COURT
FROM WICHITA 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 one count of possession of a controlled substance and one count of evading arrest and sentenced to forty years' and eighteen months' imprisonment, respectively. The Seventh Court of Appeals affirmed the controlled substance conviction. *Hadnot v. State*, No. 07-10-00296-CR (Tex. App.—Amarillo Jun. 13, 2011) (unpublished).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant of his rights to pursue 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 that appellate counsel failed to notify Applicant that he had a right to file a pro-se petition for discretionary review. The trial court recommends that relief be granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997).

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. 07-10-020296-CR that affirmed his conviction in Cause No. 47,179-A from the 30th District Court of Wichita 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: January 16, 2013
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