



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. AP-76,960 & AP-76,961

**EX PARTE JAMES TERRY SHELNUTT, Applicant**

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. 59,233-D AND 59,234-D IN THE 320TH 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of two murders and was sentenced to two terms of life in prison. The Seventh Court of Appeals affirmed both convictions. *Shelnutt v. State*, Nos. 07-10-0098-CR and 07-10-0322-CR (Tex.App.—Amarillo del. May 12, 2011).

Applicant contends that he was not timely informed of the appellate court's decisions or of his right to file *pro se* petitions for discretionary review with this Court. We remanded the applications to the trial court, which finds that Applicant did not receive appellate counsel's

correspondence regarding the appeals. The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex.Crim.App. 2006).

We hold, therefore, that Applicant is entitled to the opportunity to file out-of-time petitions for discretionary review of the judgments of the Seventh Court of Appeals in Cause Nos. 07-10-0098-CR and 07-10-0322-CR that affirmed his convictions in Cause Nos. 59,233-D and 59,234-D from the 320th District Court of Potter County. Applicant shall file his petitions for discretionary review with this Court within 30 days of the date on which this Court's mandate issues.

Delivered: January 30, 2013  
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