



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. AP-76,977**

**EX PARTE DURWAN DEON GREEN, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 219-80653-08 IN THE 219<sup>TH</sup> DISTRICT COURT  
FROM COLLIN 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 money laundering and sentenced to two years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Green v. State*, No. 05-09-01254-CR (Tex. App.—Dallas Jan. 11, 2012) (unpublished).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel failed to timely notify Applicant that his conviction had been affirmed

The trial court recommends that relief be granted. *Ex parte Riley*, 193 S.W.3d 900, 902 (Tex. Crim. App. 2006).

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 Fifth Court of Appeals in Cause No. 05-09-01254-CR that affirmed his conviction in Cause No. 219-80653-08 from the 219<sup>th</sup> District Court of Collin 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: March 6, 2013  
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