



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,032-01

EX PARTE CLAUDE JEROME OLIVER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. F-07-55378-M IN THE 194TH DISTRICT COURT
FROM DALLAS 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 aggravated robbery and sentenced to forty-five years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Oliver v. State*, 05-09-00134-CR (Tex. App.—Dallas Jun. 11, 2010) (unpublished).

Applicant contends that his appellate counsel rendered ineffective assistance because counsel did not timely notify Applicant that his conviction had been affirmed. We remanded this application to the trial court for findings of fact and conclusions of law.

The trial court has entered findings of fact and conclusions of law that the appellate court did

not timely notify appellate counsel that the conviction had been affirmed. The trial court recommends that relief be granted.

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. 05-09-00134-CR that affirmed his conviction in Cause No. F-07-55378-M from the 194th District Court of Dallas 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 21, 2013
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