



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-80,336-01 & WR-80,336-02

EX PARTE DAVID ABRAN ANAYA, Applicant

ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS
CAUSE NOS. W-59854-01-A & W-59877-01-A IN THE 47TH 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of murder and aggravated assault and sentenced to ninety-nine and forty years' imprisonment, respectively. The Seventh Court of Appeals affirmed his convictions. *Anaya v. State*, Nos. 07-10-00462-CR & 07-10-00463-CR (Tex. App.—Amarillo 2012, no pet.).

In a single ground, Applicant contends that he was denied the opportunity to file *pro se* petitions for discretionary review (PDRs) because appellate counsel led him to believe that he would file PDRs on his behalf. Based on our own independent review of the record, we find that appellate

counsel deprived Applicant of the opportunity to file *pro se* PDRs. We find, 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 numbers in 07-10-00462-CR and 07-10-00463-CR that affirmed his convictions in cause numbers 59,854-A and 59,877-A from the 47th 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: October 30, 2013

Do not publish