IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,134-01

EX PARTE JONATHAN PAUL SIKES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-297-009825-0993572-A IN THE 297TH DISTRICT COURT
FROM TARRANT COUNTY**

***Per curiam*.**

O P I N I O N

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 four counts of aggravated sexual assault and sentenced to twelve years' imprisonment on each count. He was also convicted of two counts of indecency with a child and sentenced to five years' imprisonment on each count. The Second Court of Appeals affirmed his convictions. *Sikes v. State*, No. 02-10-00029-CR (Tex. App.—Fort Worth 2011, no pet.).

Applicant contends that he was denied the opportunity to file a *pro se* petition for discretionary review (PDR). We remanded this application to the trial court for findings of fact and

conclusions of law, and it recommended that we grant Applicant an out-of-time PDR. We agree.

We find, therefore, that Applicant is entitled to the opportunity to file an out-of-time PDR of the judgment of the Second Court of Appeals in case number 02-10-00029-CR that affirmed his conviction in cause number 0993572D from the 297th District Court of Tarrant 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: July 24, 2013
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