IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,621-01

EX PARTE THOMAS CAUDILL, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2019-417382-A IN THE 137TH DISTRICT COURT
FROM LUBBOCK COUNTY**

***Per curiam*.**

O P I N I O N

Applicant entered an open plea of guilty to unlawful possession of a firearm by a felon, and was sentenced to ninety-nine years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Caudill v. State*, No. 07-19-00331-CR (Tex. App. — Amarillo July 14, 2021) (not designated for publication). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was denied his right to petition this Court for discretionary review, because he was not timely notified that his conviction had been affirmed or advised of his right to file a *pro se* petition for discretionary review. The record indicates that appellate counsel

left the firm with which she was employed after the appellate briefs had been filed, but before the court of appeals issued its opinion. Appellate counsel's e-mail was not forwarded to her new place of employment, and a new attorney was not assigned to the case. Based on the record, the trial court has determined that Applicant would have timely filed a petition for discretionary review had he been timely notified of the court of appeals' decision and of his right to file a *pro se* petition for discretionary review.

Relief is granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005). Applicant may file an out-of-time petition for discretionary review of the judgment of the Seventh Court of Appeals in cause number 07-19-00331-CR. Should Applicant decide to file a petition for discretionary review, he must file it with this Court within thirty days from the date of this Court's mandate.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: March 29, 2023
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