# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-95,232-01**

**EX PARTE ANDREUS GIOVAN BARKLEY, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. DC30-CR2021-0739 IN THE 30TH DISTRICT COURT FROM WICHITA COUNTY**

***Per curiam*.**

**O P I N I O N**

Applicant was convicted of Assault Family/Household Member with Previous Conviction and sentenced to twenty-five years' imprisonment as a habitual felon. The Second Court of Appeals affirmed his conviction. *Barkley v. State*, No. 02-22-00081-CR (Tex. App.—Fort Worth Mar. 16, 2023) (not designated for publication). Applicant, through habeas counsel, 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. Trial counsel, appellate counsel, and habeas counsel are all the same lawyer.

Applicant contends that, through no fault of his own, he was denied his right to pursue in this Court a petition for discretionary review of the appellate decision affirming his conviction. He asks

for a late PDR. This Court has made an independent review of the record, and it supports Applicant's claim and request for a late PDR.

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 Second Court of Appeals in cause number 02-22-00081-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: NOVEMBER 22, 2023
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