

TEXAS COURT OF CRIMINAL APPEALS

Ex parte Catrina Renee Guy

No. WR-97,124-01 · No. WR-97,124-01 · Decided December 4, 2025

SUMMARY

The Texas Court of Criminal Appeals granted Catrina Renee Guy habeas relief after determining that appellate counsel deficiently failed to timely file a petition for discretionary review due to a calendaring error. The court authorized Guy to file an out-of-time petition for discretionary review within thirty days of the court’s mandate.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
WRITING FOR THE COURT	Per curiam
JURISDICTION	Texas Court of Criminal Appeals
DECIDED	December 4, 2025
DOCKET	WR-97,124-01
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Applicant sought post-conviction habeas relief under Texas Code of Criminal Procedure article 11.07, asserting that appellate counsel was ineffective for failing to timely file a petition for discretionary review.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Catrina Renee Guy v. State of Texas

TOPICS

- post-conviction relief
- habeas corpus
- ineffective assistance
- right to counsel
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- ineffective assistance

QUESTIONS PRESENTED

- Whether ineffective assistance by appellate counsel in failing to timely file a petition for discretionary review entitled Applicant to habeas relief and an out-of-time petition for discretionary review.

HOLDINGS

1. When appellate counsel's deficient performance causes the applicant to lose the opportunity to timely seek discretionary review and the applicant is prejudiced, habeas relief may be granted in the form of an out-of-time petition for discretionary review.

KEY QUOTATIONS

“Relief is granted.”

“Applicant may file an out-of-time petition for discretionary review of the judgment of the Court of Appeals in cause number 06-24-00189-CR.”

FACTUAL BACKGROUND

Applicant was convicted of murder and received a thirty-nine-year prison sentence. After the court of appeals affirmed, appellate counsel failed to timely file a petition for discretionary review because counsel miscalendared the filing deadline. The trial court determined that counsel's performance was deficient and that Applicant was prejudiced.

PROCEDURAL HISTORY

Applicant was convicted of murder and sentenced to thirty-nine years' imprisonment. The Sixth Court of Appeals affirmed the conviction. Applicant then filed an article 11.07 habeas application in the county of conviction; the trial court found deficient performance and prejudice, and the application was forwarded to the Texas Court of Criminal Appeals.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Applicant may file an out-of-time petition for discretionary review of the court of appeals' judgment in cause number 06-24-00189-CR. If Applicant elects to file, the petition must be filed with the Texas Court of Criminal Appeals within thirty days from the date of that court's mandate.

CASES CITED

- Guy v. State, No. 06-24-00189-CR (Tex. App.—Texarkana July 14, 2025) (not designated for publication)
- Ex parte Wilson, 956 S.W.2d 25 (Tex. Crim. App. 1997)
- Ex parte Crow, 180 S.W.3d 135 (Tex. Crim. App. 2005)