

TEXAS COURT OF CRIMINAL APPEALS

Ex parte Pedro Rojas-Antonio

Rojas-Antonio · No. WR-97,492-01 · Decided April 16, 2026

SUMMARY

The Texas Court of Criminal Appeals granted habeas relief to Pedro Rojas-Antonio after finding that he was denied the opportunity to file a petition for discretionary review through no fault of his own. The court authorized him to file an out-of-time petition for discretionary review of the Thirteenth Court of Appeals judgments within 30 days of the mandate.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
WRITING FOR THE COURT	Per curiam
JURISDICTION	Texas Court of Criminal Appeals
DECIDED	April 16, 2026
DOCKET	WR-97,492-01
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Applicant sought post-conviction habeas relief under Texas Code of Criminal Procedure article 11.07, asserting that he was denied the opportunity to file a petition for discretionary review through no fault of his own.
PRECEDENTIAL VALUE	Unpublished; the opinion states 'Do not publish.'
PARTIES	Pedro Rojas-Antonio, Applicant v. State of Texas

TOPICS

- habeas corpus
- post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction habeas corpus
- appellate procedure

QUESTIONS PRESENTED

- Whether Applicant was entitled to habeas relief authorizing an out-of-time petition for discretionary review because he was denied the opportunity to seek discretionary review through no fault of his own.

HOLDINGS

1. Applicant was entitled to habeas relief permitting him to file an out-of-time petition for discretionary review of the judgments affirmed by the Thirteenth Court of Appeals because he was denied the opportunity to seek discretionary review through no fault of his own.

KEY QUOTATIONS

“Applicant may file an out-of-time petition for discretionary review of the judgments of the Thirteenth Court of Appeals in cause numbers 13-24-00247-CR, 13-24-00248-CR, 13-24-00249-CR, and 13-24-00250-CR.”

FACTUAL BACKGROUND

Applicant was convicted of one count of aggravated sexual assault of a child and three counts of indecency with a child by sexual contact. He received a life sentence for the aggravated-sexual-assault conviction and twenty-year sentences for the other convictions. After the court of appeals affirmed, Applicant claimed that he was prevented from filing a petition for discretionary review through no fault of his own.

PROCEDURAL HISTORY

Applicant was convicted in the 89th District Court of Wichita County of aggravated sexual assault of a child and three counts of indecency with a child by sexual contact and received a life sentence on the aggravated-sexual-assault count and twenty-year sentences on the remaining counts. The Thirteenth Court of Appeals affirmed the judgments on July 3, 2025. Applicant then filed an article 11.07 habeas application, which the district clerk forwarded to the Texas Court of Criminal Appeals. The Court granted relief and authorized an out-of-time petition for discretionary review.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Applicant may file an out-of-time petition for discretionary review in the Texas Court of Criminal Appeals within thirty days from the date of the Court's mandate. Copies of the opinion are to be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and the Board of Pardons and Paroles.

CASES CITED

- Ex parte Riley, 193 S.W.3d 900 (Tex. Crim. App. 2006)
- Rojas-Antonio v. State, Nos. 13-24-00247-CR, 13-24-00248-CR, 13-24-00249-CR, 13-24-00250-CR (Tex. App.—Corpus Christi-Edinburg July 3, 2025)

OPINION

PER CURIAM.

IN THE COURT OF CRIMINAL APPEALS OF TEXAS NO. WR-97,492-01 EX PARTE PEDRO ROJAS-ANTONIO, Applicant ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. DC89-CR2023-0680-1-4*1 IN THE 89TH DISTRICT COURT WICHITA COUNTY Per curiam. OPINION Applicant was convicted of one count of aggravated sexual assault of a child and three counts of indecency with a child by sexual contact.

He was sentenced to life imprisonment on the first count and to terms of 20 years' imprisonment on the remaining counts. The Thirteenth Court of Appeals affirmed his conviction. *Rojas- Antonio v. State*, Nos. 13-24-00247-CR, 13-24-00248-CR, 13-24-00249-CR, 13-24- 00250-CR (Tex. App.– Corpus Christi-Edinburg July 3, 2025). Applicant filed this 2 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 file a petition for discretionary review through no fault of his own. Relief is granted. *Ex parte Riley*, 193 S.W.3d 900 (Tex. Crim. App. 2006). Applicant may file an out-of-time petition for discretionary review of the judgments of the Thirteenth Court of Appeals in cause numbers 13-24-00247-CR, 13-24-00248-CR, 13-24-00249-CR, and 13-24-00250-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: April 16, 2026 Do not publish