



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-20,734-02

EX PARTE NATHANIEL LEWIS HUBERT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W86-97846-I-B
IN THE CRIMINAL DISTRICT COURT NO. 2
FROM DALLAS 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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty to unlawful delivery of less than 28 grams of cocaine and was placed on deferred adjudication community supervision for five years. On July 7, 1988, the trial court adjudicated him guilty and sentenced him to ninety-nine years' imprisonment.

This Court withdrew its 1994 decision on this writ, reconsidered the case on our own motion, and remanded it to the trial court for findings of fact and conclusions of law addressing Applicant's

contention that the trial judge prejudged his punishment. *Ex parte Hubert*, No. WR-20,734-02 (Tex. Crim. App. Sep. 11, 2013) (unpublished).

After considering the original trial judge's affidavit filed in response to the remand, the habeas court has determined that Applicant is entitled to relief. We agree.

Applicant is entitled to relief. *Ex parte Brown*, 158 S.W.3d 449 (Tex. Crim. App. 2005).

Relief is granted. The sentence in Cause No. F-86-97846-SKNI in the Criminal District Court No. 2 of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County for a new punishment hearing. Any remaining claims challenging the validity of the conviction are denied. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

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

Delivered: May 13, 2015
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