



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,666-01

EX PARTE GILBERT LAGUNA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 12-10-02701-DCRAJA-A IN THE 365TH DISTRICT COURT
FROM DIMMIT COUNTY**

Per curiam.

OPINION

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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated assault and sentenced to nine years' imprisonment. He did not appeal his conviction.

Applicant contends that his trial counsel rendered ineffective assistance by failing to file a motion for the suspension of further sentence when consideration for shock probation was part of his original plea agreement.

The trial court has determined that trial counsel's performance was deficient in that counsel

failed to file a motion for the suspension of further sentence and that such deficient performance prejudiced Applicant. Relief is granted. The judgment in Cause No. 12-10-02701-DCRAJA in the 365th District Court of Dimmit County is set aside, and Applicant is remanded to the custody of the Sheriff of Dimmit County to answer the charges as set out in the indictment. 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: February 4, 2015
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