



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-83,910-01**

**EX PARTE JEREMY DEMONT WAITES, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W12-62008-A IN THE 203<sup>RD</sup> DISTRICT COURT  
FROM DALLAS 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 unlawful possession with intent to deliver a controlled substance and sentenced to ten years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Waites v. State*, No. 05-14-0082-CR (Tex. App.—Dallas Apr. 1, 2015) (not designated for publication).

Applicant contends that his trial counsel rendered ineffective assistance because he did not advise Applicant he could withdraw his guilty plea if the court did not follow the plea agreement.

The trial court has determined that trial counsel's performance was deficient in that counsel did not object to imposition of a sentence that was not agreed upon, and that such deficient performance prejudiced Applicant. Relief is granted. The judgment in Cause No. F-1262008-P in the 203<sup>rd</sup> District Court of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County. 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: August 24, 2016  
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