



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-85,995-01

EX PARTE JUSTIN LYNN WEIERSHAUSEN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR19590-A IN THE 35TH DISTRICT COURT
FROM BROWN 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 possession with intent to distribute controlled substances in a drug free zone and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends, among other things, that his plea was involuntary because he was wrongly admonished as to the applicable range of punishment, his counsel did not investigate the validity of the drug free zone allegation, and counsel did not give appropriate parole eligibility

advice.

Applicant's trial lawyers filed affidavits with the trial court. The trial court determined that Applicant's plea was involuntary because he was wrongly admonished by all parties as to the applicable range of punishment in this case. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. CR19590 in the 35th District Court of Brown County is set aside, and Applicant is remanded to the custody of the Sheriff of Brown 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: March 1, 2017
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