



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,472-01

EX PARTE JESSE LOUIS EDWARDS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1216396-A IN THE 185th DISTRICT COURT
FROM HARRIS 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 indecency with a child and sentenced to four years' imprisonment. He did not appeal his conviction.

Applicant contends that his agreed plea of true to the State's motion to adjudicate was involuntary because he was misinformed by both trial counsel and the State regarding the amount of time credit he would receive in order to receive a "time served" sentence.

The trial court, in agreement with the State, has determined that Applicant was misinformed by trial counsel and by the prosecutor that he had accumulated 1,438 days of pre-sentence credit

when he in fact had only accumulated 1,226 days at the time of his stipulation to the motion to adjudicate in this cause. The trial court further determined that Applicant relied upon this misinformation in determining whether he would accept the State's plea offer of four years' imprisonment in exchange for his plea of true. 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. 1216396 in the 185th District Court of Harris County is set aside, and Applicant is remanded to the custody of the Sheriff of Harris County to answer the charges as set out in the motion to adjudicate. 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 22, 2017
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