



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,697-01

EX PARTE RAMON TORRES-FLORES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1243-A IN THE 109th DISTRICT COURT
FROM CRANE 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 driving while intoxicated and sentenced to two years' imprisonment. He did not appeal his conviction.

Applicant contends, among other things, that his trial counsel rendered ineffective assistance because he failed to investigate the validity of one of the two prior misdemeanor driving while intoxicated convictions alleged for jurisdictional enhancement purposes in this case.¹

¹ The trial court finds that Applicant had only two prior misdemeanor driving while intoxicated convictions at the time of his plea in this case.

The trial court, based upon the record, has determined that trial counsel's performance was deficient and that such deficient performance prejudiced Applicant. Specifically, the trial court finds that a cursory review of Applicant's prior 1996 misdemeanor conviction would have shown that the judge did not admonish Applicant on the full punishment range as required by law and that conviction has been subsequently vacated due to the failure of the trial court to admonish Applicant on the full range of punishment.

Relief is granted. The judgment in Cause No. 1243-A in the 109th District Court of Crane County is set aside, and Applicant is remanded to the custody of the Sheriff of Crane 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: April 11, 2018
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