



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,072-01

EX PARTE DEJUAN ANTHONY JORDAN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 20160D04054-243-1 IN THE 243RD DISTRICT COURT
FROM EL PASO 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 in Indiana for sexual battery. Later, Applicant was convicted in Texas for failing to register as a sex offender and sentenced to imprisonment.

The District Attorney for El Paso County notified Applicant that the conviction was erroneous because the Texas Department of Public Safety had determined that the elements of the Indiana sexual battery conviction were not substantially similar to any Texas offense. Thus, Applicant was not required to register in Texas as a sex offender under Chapter 62 of the Texas Code

of Criminal Procedure. The habeas record shows that trial counsel provided ineffective assistance for failing to investigate to discover this fact. *Strickland v. Washington*, 466 U.S. 668 (1984).

Relief is granted. The judgment in Cause No. 20160D04054 in the 243rd District Court of El Paso County is set aside.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and Pardons and Paroles Division.

Delivered: December 19, 2018

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