



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,525-01

EX PARTE TAYLOR PAIGE COSTELLO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1576335-A IN THE 337TH DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam.

OPINION

Applicant entered an open plea of guilty to intoxication manslaughter and was sentenced to twelve years' imprisonment. She did not appeal her conviction. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends, among other things that her plea was involuntary because trial counsel erroneously advised her that she was eligible for community supervision from the trial court, when the deadly weapon allegation to which Applicant had pleaded guilty precluded community supervision from the trial court. Based on the record, the trial court has determined that trial counsel's performance was deficient and that Applicant would have insisted on a trial but for

counsel's deficient performance.

Relief is granted. *Hill v. Lockhart*, 474 U.S. 52 (1985); *Ex parte Argent*, 393 S.W.3d 781 (Tex. Crim. App. 2013). The judgment in cause number 157633501010 in the 337th 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 indictment. The trial court shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

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

Delivered:
Do not publish

July 27th, 2022