



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,717-02

EX PARTE RENE SERNA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-4096-19-F(2) IN THE 332ND DISTRICT COURT
FROM HIDALGO COUNTY**

Per curiam.

OPINION

Applicant pleaded guilty to robbery and was sentenced to six years' imprisonment. 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 that plea was involuntary because trial counsel failed to investigate a defense of duress. 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 CR-4096-19-F in the 332nd District Court

of Hidalgo County is set aside, and Applicant is remanded to the custody of the Sheriff of Hidalgo 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: May 8, 2024
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