



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,403-01

EX PARTE MELISSA LYNN ESPINO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2011CR10458W1 IN THE 437TH DISTRICT COURT
FROM BEXAR COUNTY**

Per curiam.

OPINION

Applicant pleaded nolo contendere to prostitution – three or more priors and was originally placed on deferred adjudication. Later, Applicant was adjudicated and sentenced to six months imprisonment in State Jail. Applicant 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 that her plea was involuntary because trial counsel had an actual conflict of interest. Based on the record, the trial court has determined that trial counsel's performance was deficient and that Applicant is entitled to relief. We agree.

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 2011CR10458 in the 437th District Court of Bexar County is set aside, and Applicant is remanded to the custody of the Sheriff of Bexar 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: January 31, 2024
Do not publish