



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,772

EX PARTE DAVID CLAYTON RATLIFF, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-08-0234 IN THE 43RD DISTRICT COURT
FROM PARKER 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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of possession of a controlled substance and sentenced to fifteen years' imprisonment. The Second Court of Appeals affirmed his conviction. *Ratliff v. State*, 320 S.W.3d 857 (Tex. App.–Ft. Worth 2010).

Applicant contends, *inter alia*, that his trial counsel rendered ineffective assistance because he did not communicate with Applicant prior to trial, he presented harmful evidence to the jury, and that he failed to convey a plea bargain offer.

The trial court has determined that trial counsel was ineffective and that such ineffective representation prejudiced Applicant. We agree. Relief is granted. The judgment in Cause No. CR-08-0234 in the 43rd Judicial District Court of Parker County is set aside, and Applicant is remanded to the custody of the sheriff of Parker County. 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 18, 2012
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