



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. AP-76,784

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**EX PARTE BRADLEY DALE MOGFORD, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2158 IN THE 112<sup>TH</sup> DISTRICT COURT  
FROM SUTTON COUNTY**

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*Per curiam.*

## O P I N I O N

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 with intent to deliver and sentenced to thirty-three years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because counsel wrongfully assured him that he would be released from prison in one year to a year-and-a-half with good behavior.

This case was remanded twice and the trial court conducted a live hearing. Based on this

Court's independent review of the entire record, it is apparent that Applicant's plea was involuntary. Applicant is entitled to relief. *Ex parte Moussazadeh*, \_\_\_ S.W.3d \_\_\_, Nos. AP-76,439 and AP-74,185, 2012 Tex. Crim. App. LEXIS 356 (Tex. Crim. App. Feb. 15, 2012); *Ex parte Moody*, 991 S.W.2d 856, 857-858 (Tex. Crim. App. 1999).

Relief is granted. The judgment in Cause No. 2158 in the 112<sup>th</sup> Judicial District Court of Sutton County is set aside, and Applicant is remanded to the custody of the sheriff of Sutton County to answer the charges as set out in the indictment. 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: May 2, 2012  
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