



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,795

EX PARTE KHAYREE DEWAYNE DAVIS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 51,717-A IN THE 30th JUDICIAL DISTRICT COURT
FROM WICHITA 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 robbery and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because both trial counsel and the prosecutor erroneously promised him that he would be sent to boot camp, with a chance of community supervision if the program was successfully completed, in exchange for his plea of guilty.

Both trial counsel and the prosecutor have submitted sworn statements attesting to the truthfulness of Applicant's claim. Based on the record, the trial court has determined that Applicant's plea in this case was entered involuntarily. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. 51,717-A in the 30th Judicial District Court of Wichita County is set aside, and Applicant is remanded to the custody of the sheriff of Wichita 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 9, 2012
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