



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,826

EX PARTE SCOTT LEE JAMES, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 25058
IN THE 196TH DISTRICT COURT FROM HUNT 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of possession with intent to deliver methamphetamine and sentenced to sixty nine years' imprisonment. The Sixth Court of Appeals affirmed his conviction. *James v. State*, No. 06-09-00126-CR (Tex. App.–Texarkana, April 23, 2010).

Applicant contends, *inter alia*, that his trial counsel rendered ineffective assistance because he did not preserve error on his motion to suppress and because he did not adequately inform Applicant of the risks of declining the State's final plea offer, basically promising Applicant that he

would prevail on the motion to suppress and he would be acquitted.

The trial court has determined that trial counsel's performance was deficient. This Court agrees and finds that such deficient performance prejudiced Applicant. Relief is granted. The judgment in Cause No. 25058 in the 196th District Court of Hunt County is set aside, and Applicant is remanded to the custody of the Sheriff of Hunt 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: June 27, 2012
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