



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,881

EX PARTE DAVID GONZALEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 20050D05891 IN THE 409TH DISTRICT COURT
FROM EL PASO 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 two counts of indecency with a child by exposure and sentenced to thirty months' imprisonment on each count. He did not appeal his convictions.

Applicant contends that his guilty plea was involuntary because he was led to believe that he would have to register as a sex offender for only ten years, when in fact he will have to register for life. TEX. CODE CRIM. PROC. art. 62.101(a)(3). The trial court made findings of fact and conclusions of law and recommended that we set aside one count. Relief is granted. Count four of

the judgment in cause number 20050D05891 in the 409th District Court of El Paso County is set aside, and Applicant is remanded to the custody of the Sheriff of El Paso County to answer the charges as set out in count four of 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: September 19, 2012
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