



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,882

EX PARTE ANDREW JOSEPH LEWIS, AKA JOSEPH ANDREW FRANK, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 10-08484-A IN THE 252nd DISTRICT COURT
FROM JEFFERSON 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 theft and sentenced to twenty years' imprisonment. The Ninth Court of Appeals affirmed his conviction. *Frank v. State*, No. 09-11-00293-CR (Tex. App.–Beaumont, delivered November 9, 2011, no pet.).

Applicant contends, *inter alia*, that his plea was involuntary because he was not properly admonished of the correct punishment range by either counsel, the State, or the trial court.

Based upon the record in this case, the trial court has determined the Applicant was improperly admonished regarding the punishment range prior to entering his plea of guilty.

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. 10-08484 in the 252nd District Court of Jefferson County is set aside, and Applicant is remanded to the custody of the Sheriff of Jefferson 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: September 19, 2012
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