



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,909

EX PARTE DAVID LEE WIGGINS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 13,403 IN THE 52ND DISTRICT COURT
FROM CORYELL 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 aggravated assault under a plea agreement and was sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that his guilty plea was involuntary. The trial court recommends relief be granted, and the State agrees. After an independent review of the record, this Court also agrees that relief should be granted.

The judgment in Cause No. 13,403 in the 52nd District Court of Coryell County is set aside, and Applicant is remanded to the custody of the Sheriff of Coryell 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: November 7, 2012

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