



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,644-01

**EX PARTE JOSE LUIS PINEDA, AKA JOSE LUIS PINEDA-HERNANDEZ, Applicant**

ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 5141-A IN THE 109TH DISTRICT COURT  
FROM WINKLER 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 and sentenced to two years' imprisonment. He did not appeal his conviction.

Applicant contends, among other things, that trial counsel failed to advise him of the deportation consequences of his guilty plea. *Padilla v. Kentucky*, 559 U.S. 356 (2010). The trial court made findings of fact and conclusions of law. Based on its findings and conclusions, we conclude that counsel's advice was deficient and that but for this advice, Applicant would have

insisted on a trial.

Relief is granted. The judgment in cause number 5141 in the 109th District Court of Winkler County is set aside. If Applicant is in custody, he is remanded to the custody of the Sheriff of Winkler 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: June 4, 2014

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