



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-80,940-01

EX PARTE ERNESTO TIRADO FLORES JR.,
AKA ERNESTO FLORES TIRADO, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-3072-04-C(1) IN THE 139TH DISTRICT COURT
FROM HIDALGO 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 burglary of a habitation and sentenced to two years' imprisonment. He did not appeal his conviction.

Applicant contends that trial counsel rendered ineffective assistance. The trial court determined that counsel's conduct in the present case was deficient and that but for her deficient conduct, Applicant would have pleaded not guilty and insisted on a trial. *See Hill v. Lockhart*, 474 U.S. 52, 59 (1985). We agree. The trial court also concluded that counsel was ineffective in cause

number CR 0603-00-C. We decline to adopt this conclusion. The legality of that conviction and sentence is not before this Court.

Relief is granted. The judgment in cause number CR-3072-04-C(1) in the 139th District Court of Hidalgo County is set aside, and if appropriate, Applicant shall be remanded to the custody of the Sheriff of Hidalgo 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: December 17, 2014
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