



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,900-01

EX PARTE LARRY JOE FRANCO, JR., Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 6462A IN THE 121ST DISTRICT COURT
FROM TERRY 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 pleaded guilty to possession of marihuana in a drug free zone, and was sentenced to four years' imprisonment. He did not appeal his conviction.

Applicant contends, among other things, that his trial counsel rendered ineffective assistance because she gave him erroneous advice regarding parole eligibility, causing him to enter an involuntary plea.

The trial court has determined that trial counsel's performance was deficient in that counsel erroneously advised Applicant that he would become eligible for parole at some point, whereas the affirmative finding of a drug free zone made Applicant ineligible for parole until he had served the entire term to which he was sentenced. TEX. GOV'T CODE § 508.145(e). The trial court also finds that Applicant would not have accepted the plea bargain and entered a plea of guilty if he had been correctly advised regarding parole eligibility. Relief is granted. The judgment in Cause No. 6462 in the 121st District Court of Terry County is set aside, and Applicant is remanded to the custody of the Sheriff of Terry 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.

Applicant's remaining claims are dismissed. *See Ex parte Torres*, 943 S.W.2d 469 (Tex. Crim. App. 1997).

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: March 18, 2015
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