



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,063-01

EX PARTE DEAN RICHARD CUNNINGHAM, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 19147 IN THE 2ND DISTRICT COURT
FROM CHEROKEE 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 failure to register as a sex offender and sentenced to seven years' imprisonment. He did not appeal his conviction.

Applicant contends that his trial counsel rendered ineffective assistance because he failed to investigate the case and to determine that Applicant's duty to register had expired before the date alleged in the indictment.

The trial court has determined that trial counsel's performance was deficient and that such

deficient performance prejudiced Applicant. The State agrees that Applicant is entitled to relief. Relief is granted. The judgment in Cause No. 19147 in the 2nd District Court of Cherokee County is set aside, and Applicant is remanded to the custody of the Sheriff of Cherokee 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: August 26, 2015

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