



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-82,645-01**

**EX PARTE NORMAN JEFFERY WATKINS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR2013-357-1 IN THE 207TH DISTRICT COURT  
FROM COMAL 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 felon driving while intoxicated, and was sentenced to eight years' imprisonment. He did not appeal his conviction.

Applicant contends, among other things, that his trial counsel rendered ineffective assistance because he advised Applicant to plead guilty. Applicant alleges that counsel told him that he had viewed the video footage of Applicant's arrest, and that the video showed that Applicant was

intoxicated. According to Applicant, trial counsel advised him that he would get a harsher sentence if he went to trial on the charges. Applicant alleges that he did not have the opportunity to view the video, but that he disputed the information contained in the police reports indicating that he did not perform well on the field sobriety tests.

The trial court conducted a live habeas hearing, at which both Applicant and his trial attorney testified. In addition, two videos of Applicant's arrest were viewed during the hearing and made part of the habeas record. The trial court has determined that trial counsel's performance was deficient in that he told Applicant that the video of his arrest was not helpful to his defense, and advised him to plead guilty without showing the video to Applicant. The trial court has determined that such deficient performance prejudiced Applicant, and that Applicant would not have pleaded guilty had he been aware of the actual contents of the video.

Relief is granted. The judgment in Cause No. CR2013-357-1 in the 207th District Court of Comal County is set aside, and Applicant is remanded to the custody of the Sheriff of Comal 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: September 21, 2016  
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