



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-85,295-01

EX PARTE MICHAEL RAY FIELDS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-03625-A IN THE 220th DISTRICT COURT
FROM COMANCHE 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 driving while intoxicated and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because counsel incorrectly advised him of the punishment range in this case.

Trial counsel filed an affidavit with the trial court. Based on that affidavit, the trial court determined counsel incorrectly advised Applicant of the punishment range in this case and

recommends relief be granted. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. CR-03625 in the 220th District Court of Comanche County is set aside, and Applicant is remanded to the custody of the Sheriff of Comanche 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: July 27, 2016
Do not publish