



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-85,979-01 & WR-85,979-02

EX PARTE JUAN CARLOS GONZALEZ, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 13-06-03430-ZCR-1 & 13-06-03431-ZCRCLM-1
IN THE 293RD DISTRICT COURT
FROM ZAVALA 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 these applications for writs 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 possession of a prohibited item in a correctional facility and sentenced to ten years' imprisonment in each case. He did not appeal his convictions.

Applicant contends that his pleas were involuntary because counsel did not file timely motions to suspend the sentences, as contemplated by the plea agreements.

The trial court determined that counsel erred and that Applicant was prejudiced by the error.

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

Relief is granted. The judgments in Cause Nos. 13-06-03430-ZCR and 13-06-03431-ZCRCLM in the 293rd District Court of Zavala County are set aside, and Applicant is remanded to the custody of the Sheriff of Zavala County to answer the charges as set out in the indictments. 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 14, 2016
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