



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,199-01

EX PARTE CARLOS DANIEL GUERRERO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1468813-A IN THE 232ND DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam. Keel, J. not participating.

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 robbery and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary and counsel was ineffective because he was informed that the trial court would consider shock probation, but was unable to do so because counsel miscalculated the applicable time frame and did not schedule a timely hearing.

The trial court signed an agreed order stating that Applicant is entitled to relief. We agree.

Relief is granted. The punishment in Cause No. 1468813 in the 232nd District Court of Harris County is set aside, and Applicant is remanded to the custody of the Sheriff of Harris County to have a new punishment hearing. 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: January 25, 2017
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