



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-86,781-01**

**EX PARTE JORDAN LEWIS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 13-11-205-CRW-A IN THE 81<sup>ST</sup> DISTRICT COURT  
FROM WILSON COUNTY**

*Per curiam.* KELLER, P.J., filed a concurring opinion in which KEEL, J., joined. KEASLER, J., filed a dissenting opinion in which HERVEY and YEARY, JJ., joined.

### 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 aggravated robbery in count one and aggravated assault in count two and sentenced to fifty years' imprisonment on each count. The First Court of Appeals affirmed his conviction. *Lewis v. State*, No. 01-14-00557-CR (Tex. App.—Houston [1<sup>st</sup> Dist.] Jan. 26, 2016) (not designated for publication).

Applicant contends, among other things, that his aggravated assault conviction in count two was barred by double jeopardy as a result of his aggravated robbery conviction in count one and that

he received ineffective assistance of trial counsel in this case.

Relief is granted. The judgment in Cause No. 13-11-205-CRW in the 81<sup>st</sup> District Court of Wilson County as it pertains to count two, Applicant's aggravated assault conviction, is set aside.

All relief requested on count one is denied.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: November 15, 2017

Do not publish