



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,091-01

EX PARTE LACI MARIE BOYKEN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 114-1161-15-A IN THE 114TH DISTRICT COURT
FROM SMITH 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 engaging in organized criminal activity and sentenced to ten years' imprisonment. She did not appeal her conviction.

Applicant contends that trial counsel rendered her plea involuntary because he failed to advise her that she would not be eligible for parole until she served one half of her sentence.

The trial court has determined that counsel's conduct was deficient and Applicant was

prejudiced. Relief is granted. The judgment in cause number 114-1161-15-A in the 114th District Court of Smith County is set aside, and Applicant is remanded to the custody of the Sheriff of Smith 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: November 15, 2017
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