



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,805-01

EX PARTE RANDY VIRGIL ECHOLS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR03450 IN THE 220TH DISTRICT COURT
FROM COMANCHE COUNTY**

Per curiam. Keasler and Yeary, JJ. dissent.

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 indecency with a child and sentenced to twenty years' imprisonment. The Eleventh Court of Appeals affirmed his conviction. *Echols v. State*, No. 11-12-00149-CR (Tex. App.—Eastland Aug. 22, 2013)(not designated for publication).

Applicant contends, among other things, that his trial counsel rendered ineffective assistance by failing to watch the forensic interview with the complainant and/or use the complainant's

statement to impeach her trial testimony and by introducing alleged extraneous prior bad acts which would not have been admissible had counsel not opened the door to such testimony.

The trial court has determined that trial counsel's performance was deficient and that such deficient performance prejudiced Applicant. We agree. Relief is granted. The judgment in Cause No. CR03450 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: October 10, 2018
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