



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,872-01

EX PARTE DAO MINH TRUONG, JR., Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W199-80748-2013-HC IN THE 199TH DISTRICT COURT
FROM COLLIN COUNTY**

***Per curiam.* KELLER, P.J., filed a dissenting opinion in which RICHARDSON, YEARY, and KEEL, 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 murder and sentenced to fifty-eight years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Truong v. State*, No. 05-13-00939-CR (Tex. App.—Dallas Oct. 28, 2014) (not designated for publication).

Applicant contends, among other things, that trial counsel failed to investigate his mental health history and have him evaluated for competency.

The trial court has determined that counsel was deficient and his deficient conduct prejudiced Applicant. Relief is granted. The judgment in cause number 199-80748-2013 in the 199th District Court of Collin County is set aside, and Applicant is remanded to the custody of the Sheriff of Collin 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: December 19, 2018
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