



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,940-01

EX PARTE OMAR RODRIGUEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 16-09-11033-CR IN THE 221ST DISTRICT COURT
FROM MONTGOMERY 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 pleaded guilty and was convicted of cruelty to animals and sentenced to seven years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because he was not properly admonished as to the applicable punishment range for this offense.

Both the State and the trial court agree that Applicant was not properly admonished and would not have agreed to the seven-year sentence had he known the proper punishment range. We

agree. Applicant is entitled to relief. *Prichard v. State*, PD-0712-16, __ S.W.3d __ (Tex. Crim. App. 2017). Relief is granted. The judgment in Cause No. 16-09-11033-CR in the 221st District Court of Montgomery County is set aside, and Applicant is remanded to the custody of the Sheriff of Montgomery 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: January 24, 2018
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