



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-88,376-01

EX PARTE EDWARD MARTINEZ CORONADO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 08-04-0175-A IN THE 81ST DISTRICT COURT
FROM ATASCOSA COUNTY**

Per curiam. Yeary, J. dissents. Hervey, J. not participating.

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 thirty years' imprisonment. The Fourth Court of Appeals affirmed his conviction. *Coronado v. State*, No. 04-09-00140-CR (Tex. App.—San Antonio May 12, 2010)(not designated for publication).

Applicant contends that his trial counsel rendered ineffective assistance because he failed to request a jury instruction on multiple assailants.

The trial court has determined that trial counsel's performance was deficient in that counsel failed to request a jury instruction on multiple assailants and that such deficient performance prejudiced Applicant. Relief is granted. The judgment in Cause No. 08-04-0175-A in the 81st District Court of Atascosa County is set aside, and Applicant is remanded to the custody of the Sheriff of Atascosa 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 21, 2018
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