



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-88,461-01**

**EX PARTE NUUR AHMED, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1282561-A IN THE 184TH DISTRICT COURT  
FROM HARRIS 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 aggravated assault and sentenced to seventeen years' imprisonment.

Applicant contends that his trial counsel rendered ineffective assistance regarding Applicant's guilty plea and that Applicant's guilty plea was not voluntary. *Strickland v. Washington*, 466 U.S. 668 (1984); *Ex parte Morrow*, 952 S.W.2d 530 (Tex. Crim. App. 1997). The habeas record shows that these claims lack merit. Applicant also claims that trial counsel provided ineffective assistance

at the punishment hearing. Based on trial counsel's affidavit, the trial court finds, "Trial counsel's deficient performance at the punishment phase contributed to the seventeen year sentence assessed." The trial court recommends that a new punishment hearing be granted. The findings and recommendation are supported by the habeas record.

Relief is granted. The sentence in Cause No. 1282561-01010 in the 184th District Court of Harris County is set aside, and Applicant is remanded to the custody of the Sheriff of Harris County so that the trial court may conduct a new punishment hearing. 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: June 6, 2018  
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