



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NOS. WR-88,770-01 & 88,770-02

EX PARTE JAVARUSE RAYMONE HARDY, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NO. W13-14092-I(A) & W13-14121-I(A)
IN THE CRIMINAL DISTRICT COURT NUMBER TWO
FROM DALLAS COUNTY**

***Per curiam.* KELLER, P.J., and KEASLER, YEARY, and KEEL, 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of two counts of aggravated robbery and sentenced to twenty-four years' imprisonment in each cause. The Eighth Court of Appeals affirmed his convictions. *Hardy v. State*, Nos. 08-14-00044-CR and 08-14-00045-CR (Tex. App.—El Paso Feb. 14, 2015) (not designated for publication).

Applicant contends that his trial counsel rendered ineffective assistance because he failed to investigate and present mitigating evidence, specifically not calling favorable witnesses to testify

during sentencing in these cases.

The trial court has determined that trial counsel's performance was deficient and that such deficient performance prejudiced Applicant. Relief is granted. The judgments in Cause Nos. F13-14092-I and F13-14121-I in the Criminal District Court Number Two of Dallas County are set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County to answer the charges as set out in the indictments. 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 29, 2020
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