



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-89,989-02**

**EX PARTE FERNANDO TREJO, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2015-406,411-B IN THE 137<sup>TH</sup> DISTRICT COURT  
FROM LUBBOCK COUNTY**

*Per curiam.* YEARY, J. filed a dissenting opinion joined by SLAUGHTER, J. KEASLER, J. dissents.

### 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 possession of a controlled substance and sentenced to two days' imprisonment. He did not appeal his conviction.

Applicant contends that his trial counsel rendered ineffective assistance by failing to properly advise Applicant of the immigration consequences of a guilty plea.

The trial court has determined that trial counsel's performance was deficient and that such deficient performance prejudiced Applicant. Relief is granted. The judgment in Cause No. 2015-

406,411 in the 137<sup>th</sup> District Court of Lubbock County is set aside, and Applicant is remanded to the custody of the Sheriff of Lubbock 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: July 1, 2020  
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