



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,219-01

EX PARTE MICHAEL ANTHONY GARCIA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 5028-A IN THE 31ST DISTRICT COURT
FROM WHEELER COUNTY**

Per curiam.

OPINION

Applicant pleaded guilty to possession of a prohibited weapon and was sentenced to ten years' imprisonment. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that his plea was involuntary because his understanding was that his conviction would not be a "3g" offense. After a remand and findings of fact from the trial court, it is evident that the judgment's deadly weapon finding is legally inappropriate and contravenes Applicant's understanding of his guilty plea.

Relief is granted. The judgment in cause number 5028 in the 31st District Court of Wheeler County is reformed to delete the words "YES, A FIREARM" from the "Findings On Deadly

Weapon.” The judgment in this case shall contain no affirmative finding of the use or exhibition of a deadly weapon. All other relief is denied.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: July 22, 2020
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