



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-90,729-01

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**EX PARTE DONALD MILLER BALL, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2012-0434-A IN THE 217<sup>TH</sup> DISTRICT COURT  
FROM ANGELINA COUNTY**

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*Per curiam.* **KELLER, P.J., YEARY, AND SLAUGHTER, JJ. dissent.**

## OPINION

Applicant pleaded guilty to aggravated sexual assault of a child with a punishment cap agreement of thirty years, and was sentenced to twenty-five years' imprisonment. The Twelfth Court of Appeals dismissed the appeal. *Ball v. State*, No. 12-13-00190-CR (Tex. App.—Tyler Aug. 20, 2014)(not designated for publication). 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, among other things, that counsel was ineffective because he failed to hire and consult with a sex offender treatment expert to support his punishment case. Based on the record, the trial court has determined that counsel's performance was deficient and that Applicant was

