



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,531-01

EX PARTE BENADETO VEGA TORRES III, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 11360 IN THE 287TH DISTRICT COURT
FROM PARMER COUNTY**

Per curiam.

OPINION

Applicant pleaded guilty to delivery of marihuana in a drug free zone and was sentenced to four 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 trial counsel wrongly advised Applicant that he would be eligible for parole. Based on the record, the trial court has determined that trial counsel's performance was deficient and that Applicant would have insisted on a trial but for counsel's deficient performance.

Relief is granted. *Hill v. Lockhart*, 474 U.S. 52 (1985); *Ex parte Moussazadeh*, 361 S.W.3d

684 (Tex. Crim. App. 2012). The judgment in cause number 3603 in the 287th District Court of Parmer County is set aside, and Applicant is remanded to the custody of the Sheriff of Parmer County to answer the charges as set out in the indictment. The trial court shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

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: October 28, 2020
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