



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,922-01

EX PARTE WILLIE JEFFERSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2016-0180-A IN THE 217TH DISTRICT COURT
FROM ANGELINA COUNTY**

Per curiam.

OPINION

Applicant pleaded guilty to one count of engaging in organized criminal activity and two counts of burglary of a habitation. He was sentenced to thirty years' imprisonment on the engaging in organized criminal activity count and twenty years' imprisonment for the burglaries. 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. All of Applicant's claims are restricted to count one of the indictment.

Applicant contends that trial counsel was ineffective for informing him that he would be eligible for parole in only a few years when he actually had to serve half of his thirty year sentence before becoming eligible. 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 Argent*, 393 S.W.3d 781 (Tex. Crim. App. 2013). The sentence in count one of cause number 2016-0180 in the 217th District Court of Angelina County is set aside, and Applicant is remanded to the custody of the Sheriff of County for a new sentencing hearing on count one of this 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: Feb. 10, 2021
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