



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,905-01

EX PARTE CHARDEH HAWKINS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2016CR4911-W1 IN THE 144TH DISTRICT COURT
FROM BEXAR COUNTY**

Per curiam.

OPINION

Applicant was convicted of one count of aggravated robbery and one count of aggravated assault and sentenced to fifteen years' imprisonment for each count, to run concurrently. The Fourth Court of Appeals affirmed his convictions. *Hawkins v. State*, No 04-17-00510-CR (Tex. App. — San Antonio July 5, 2018) (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 both trial counsel and appellate counsel were ineffective because neither argued that Applicant's conviction of both aggravated robbery by causing bodily injury and aggravated assault causing bodily injury of the same complainant during the same

incident violated the prohibition on double jeopardy. Based on the record, the trial court has determined that both trial and appellate counsel's performance was deficient and that Applicant was prejudiced.

Relief is granted. *Strickland v. Washington*, 466 U.S. 668 (1984). The judgment in cause number 2016CR4911 in the 144th District Court of Bexar County as it pertains to count two, Applicant's aggravated assault conviction, is set aside. All relief requested as to count one 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: January 27, 2021
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