



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,277-01

EX PARTE MAXWELL LYNN JORDAN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2015CR1752-W1 IN THE 187TH DISTRICT COURT
FROM BEXAR COUNTY**

Per curiam. YEARY and SLAUGHTER, JJ., dissented. HERVEY, J., not participating.

OPINION

Applicant was convicted of aggravated assault with a deadly weapon and sentenced to 14 years' imprisonment. The Fourth Court of Appeals affirmed his conviction. *Jordan v. State*, No. 04-18-00404-CR (Tex. App.—San Antonio, April 10, 2019, pet. ref'd). 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 trial counsel was ineffective because counsel failed to investigate Applicant's personal history and mental health problems in preparation for the hearing on the State's motion to adjudicate guilt and revoke community supervision. Based on the record, the trial court has determined that trial counsel's performance was deficient and that Applicant was prejudiced.

Relief is granted. *Strickland v. Washington*, 466 U.S. 668 (1984); *see also Duhart v. State*, 668 S.W.2d 384, 387 (Tex. Crim. App. 1984). The judgment in cause number 2015CR1752 in the 187th District Court of Bexar County is set aside, and Applicant is remanded to the custody of the Sheriff of Bexar 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: August 24, 2022
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