



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-94,037-01**

**EX PARTE DAVID LEE YOUNG, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2017CR2062-W1 IN THE 226TH DISTRICT COURT  
FROM BEXAR COUNTY**

*Per curiam.* RICHARDSON, J., not participating.

### OPINION

Applicant was convicted of four counts of indecency with a child and sentenced to eight years' imprisonment on each count, to run concurrently. The Fourth Court of Appeals affirmed his convictions. *Young v. State*, No. 04-18-00564-CR (Tex. App.—San Antonio Apr. 8, 2020) (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 trial counsel was ineffective because he was operating under a conflict of interest that affected the adequacy of his representation. Specifically, Applicant alleges that during the pendency of his case, trial counsel was also being prosecuted by

Bexar County for multiple driving while intoxicated offenses, was struggling with his sobriety, and spent time in a rehabilitation facility and jail. Based on the record, the trial court has determined that trial counsel was burdened by an actual conflict of interest and that the conflict had an adverse effect on specific instances of counsel's performance.

Relief is granted. *Cuylar v. Sullivan*, 446 U.S. 335 (1980); *Acosta v. State*, 233 S.W.3d 349 (Tex. Crim. App. 2007). The judgments in Counts II–V in cause number 2017CR2062 in the 226th District Court of Bexar County are 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: October 26, 2022  
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