



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-61,215-10

EX PARTE ROHN M WEATHERLY, Applicant

**ON APPLICATION FOR WRIT OF HABEAS CORPUS
CAUSE NO. C-371-W012079-1380491-D IN THE 371ST DISTRICT COURT
FROM TARRANT COUNTY**

Per curiam. YEARY, J., concurred.

OPINION

Applicant pleaded guilty to unlawful restraint of a child younger than seventeen years of age and was sentenced to fifteen years' imprisonment. The Second Court of Appeals affirmed his conviction. *Weatherly v. State*, No. 02-16-0026-CR (Tex. App.—Fort Worth, Dec. 8, 2016) (not designated for publication). Applicant filed this application for writs 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 his plea was involuntary because he was never informed that he would have to register as a sex offender as a result of his conviction. The trial court found, and the State agrees, that Applicant's guilty plea is involuntary and recommends that

Applicant be allowed to withdraw his plea.

Relief is granted. *Brady v. United States*, 397 U.S. 742 (1970). The judgment in cause number 1380491D in the 371st District Court of Tarrant County is set aside, and Applicant is remanded to the custody of the Sheriff of Tarrant County to answer the charges as set out in the indictment.¹ 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: February 15, 2023
Do not publish

¹ The judgment in cause number 1380528C remains in place.