



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-94,382-01**

**EX PARTE DAVID STINNETT, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. D-1-DC-08-200033-A IN THE 147TH DISTRICT COURT  
FROM TRAVIS COUNTY**

*Per curiam.* YEARY, J., dissented.

## OPINION

Applicant was convicted of two counts of indecency with a child by exposure and sentenced to seven years' deferred adjudication community supervision for each count. Applicant later violated the conditions of his community supervision, and he was sentenced to three years' imprisonment. He did not appeal his convictions. 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 his guilty plea was involuntary because it was based on the understanding shared by all the involved parties that he would have to register as a sex offender for only ten years, when in fact he will have to register for life. TEX. CODE CRIM. PROC. art.

62.101(a)(3). The trial court made findings of fact and conclusions of law and recommended that we set aside one of the counts.

Relief is granted. The conviction for Count Eight in the judgment in cause number D-1-DC-08-200033 in the 147th District Court of Travis County is set aside, and Applicant is remanded to the custody of the Sheriff of Travis 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: February 01, 2023  
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