



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,933-02

EX PARTE MILAT MUKIMIYAN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 11-430-K26 B IN THE 26TH DISTRICT COURT
FROM WILLIAMSON COUNTY**

Per curiam. YEARY, J., filled a dissenting opinion in which KEEL and SLAUGHTER, JJ., joined.

OPINION

Applicant was convicted of fraudulent use of identifying information and sentenced to one year imprisonment in county jail. He did not appeal his conviction. 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 rendered ineffective assistance because they failed to advise him of the deportation consequences of his guilty plea, as required by *Padilla v. Kentucky*, 559 U.S. 356 (2010). Based on the record, the trial court has determined that Applicant's plea was involuntary because trial counsel's performance was deficient and Applicant was prejudiced. The

State agrees that Applicant is entitled to relief under *Padilla*.

Relief is granted. The judgment in cause number 11-430-K26 in the 26th District Court of Williamson County is set aside, and Applicant is remanded to the custody of the Sheriff of Williamson County to answer the charges as set out in the information. 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: September 27, 2023
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