



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,309-01

EX PARTE EDGAR ORTIZ MARQUEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. B-37,115-A IN THE 161ST DISTRICT COURT
FROM ECTOR COUNTY**

Per curiam.

OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of possession of cocaine and sentenced to nine months' imprisonment. He did not appeal his conviction.

Applicant contends that trial counsel failed to advise him of the deportation consequences of his guilty plea. *Padilla v. Kentucky*, 559 U.S. 356 (2010). The trial court has determined that trial counsel's performance was deficient and Applicant was prejudiced. Relief is granted. The judgment in cause number B-37,115 in the 161st District Court of Ector County is set aside, and Applicant is remanded to the custody of the Sheriff of Ector County to answer the charges as set out in the

indictment. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: July 24, 2013
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