



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-79,721-01

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**EX PARTE ALEXANDER HEBRARD, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1293350-A IN THE 177<sup>TH</sup> DISTRICT COURT  
FROM HARRIS COUNTY**

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*Per curiam.*

### O P I N I O N

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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty and was convicted of felon in possession of a firearm and sentenced to four years' imprisonment. He did not appeal his conviction.

Applicant raises actual innocence, due process violation, and ineffective assistance of counsel. We will grant relief due to ineffective assistance of counsel. At the time of this offense, the conviction alleged in the indictment as the underlying felony was still on appeal in Oregon. Had

counsel adequately researched the underlying felony to determine that it was not final, this offense could have been dismissed prior to a plea being entered. Applicant was therefore prejudiced by counsel's failure to research the prior offense. The State and trial court agree that Applicant is entitled to relief.

Relief is granted. The judgment in Cause No. 1293350 in the 177<sup>th</sup> Judicial District Court of Harris County is set aside, and Applicant is remanded to the Harris County Sheriff to answer the charge against him. 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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