



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,972-01

EX PARTE RICARDO ROMERO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 52,802-C IN THE 89th DISTRICT COURT
FROM WICHITA 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 kidnapping and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because he pled guilty under the erroneous belief that he would be eligible to attend boot camp.

Based on the record in this case, the trial court finds, and the State agrees, that Applicant's plea in this case was rendered involuntary due to a subsequent determination by prison officials that Applicant was not eligible to attend boot camp. Applicant is entitled to relief. *Ex parte Huerta*, 692

S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. 52,802-C in the 89th District Court of Wichita County is set aside, and Applicant is remanded to the custody of the Sheriff of Wichita 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: August 21, 2013
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