



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-80,123-01**

**EX PARTE JACK MANISCALCO JR., Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 11-DCR-56387HC1 IN THE 434<sup>TH</sup> DISTRICT COURT  
FROM FORT BEND 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 interference with an emergency call and sentenced to six months state jail imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Maniscalco v. State*, No. 14-11-00594-CR (Tex. App.–Houston [14<sup>th</sup>] March 19, 2013).

Applicant contends that his trial counsel rendered ineffective assistance because he failed to convey plea offers. The trial court has determined that trial counsel's performance was deficient in that counsel failed to convey plea offers and that such deficient performance prejudiced Applicant.

Relief is granted. The judgment in Cause No. 11-DCR-56387 in the 434<sup>th</sup> District Court of Fort Bend County is set aside, and Applicant is remanded to the custody of the Sheriff of Fort Bend County. 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: September 18, 2013  
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