

2019 WL 4316898

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Court of Criminal Appeals of Texas.

EX PARTE Juan GARCIA, Applicant

NO. WR-89,003-01

I

Delivered: September 11, 2019

**ON APPLICATION FOR A WRIT OF HABEAS  
CORPUS, CAUSE NO. 12-112A, IN THE 130TH  
DISTRICT COURT FROM MATAGORDA COUNTY**

**Attorneys and Law Firms**

Randy Schaffer, for Juan Garcia.

**OPINION**

Per curiam.

\*1 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 aggravated sexual assault and sentenced to ninety-nine years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Garcia v. State*, No. 13-13-00014-CR (Tex. App.—Corpus Christi Dec. 15, 2004) (not designated for publication).

Applicant contends that trial counsel was ineffective at the guilt stage of trial. The trial court made findings of fact, concluded that counsel was deficient and Applicant was prejudiced, and recommended that we grant Applicant a new trial. Relief is granted. The judgment in cause number 12-112 in the 130th District Court of Matagorda County is set aside, and Applicant is remanded to the custody of the Sheriff of Matagorda 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.

Keller, P.J., and Keasler, Hervey, and Yeary, JJ., dissented.

**All Citations**

Not Reported in S.W. Rptr., 2019 WL 4316898

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