IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-75,998

EX PARTE ERIC LAMOND BAYLESS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 35,038-A IN THE 188TH DISTRICT COURT FROM GREGG COUNTY

***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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of criminal solicitation of a minor[1] and sentenced to ten years' imprisonment. The Sixth Court of Appeals

[1]Applicant pleaded guilty to criminal solicitation of a minor pursuant to a plea bargain and was placed on deferred adjudication probation for six years. The judgment adjudicating guilt dated April 16, 2008, says, however, that he was convicted of criminal solicitation of a minor as well as attempted sexual assault and unlawful restraint. Based on the record and the State's response in the present application, these other charges were abandoned pursuant to the plea bargain.

dismissed his appeal. *Bayless v. State*, No. 06-07-00086-CR (Tex. App.–Texarkana, February 20, 2008, no pet.).

Applicant contends that his plea was rendered involuntary because he was not properly admonished as to the punishment range for criminal solicitation of a minor. The trial court recommended that we grant relief. Accordingly, relief is granted. The judgment in Cause No. 35,038-A in the 188th Judicial District Court of Gregg County is set aside, and Applicant is remanded to the custody of the Sheriff of Gregg County to answer the charges against him.

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

Delivered: September 10, 2008
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