IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,243

EX PARTE CALVIN JAMAL JONES, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 63439 IN THE 264TH DISTRICT COURT FROM BELL 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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty and was convicted of burglary of a habitation and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was rendered involuntary because Applicant pleaded guilty pursuant to an agreement that he would be sent to boot camp. Applicant was never given the opportunity to attend boot camp. The trial court determined, and the record reflects, that Applicant's

plea was pursuant to an agreement that he would be sent to boot camp, which was not followed through no fault of Applicant. The trial court recommends granting relief.

Relief is granted. The judgment in Cause No. 63439 in the 264th Judicial District Court of Bell County is set aside, and Applicant is remanded to the custody of the sheriff of Bell County to answer the charges as set out in the indictment.

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

Delivered: October 21, 2009
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