IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,322-01

EX PARTE CHAD MICHAEL BOUTWELL, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 15-116A IN THE 130TH DISTRICT COURT
FROM MATAGORDA COUNTY**

***Per curiam*.** SLAUGHTER, J., filed a concurring and dissenting opinion in which KELLER, P.J., and RICHARDSON, J., joined. YEARY, J., dissented.

O P I N I O N

Applicant was convicted of continuous sexual abuse of a child and sentenced to ninety-nine years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Boutwell v. State*, No. 13-16-00135-CR (Tex. App. —Corpus Christi-Edinburg July 6, 2017). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends among others that trial counsel was ineffective because counsel failed to properly investigate, prepare and present expert testimony. Applicant also claims trial counsel failed to investigate and present mitigating evidence during the punishment phase of trial. Based on

the record, the trial court has determined that trial counsel's performance was deficient and that Applicant was prejudiced.

Relief is granted. *Strickland v. Washington*, 466 U.S. 668 (1984). The judgment in cause number 15-116 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 ten days from the date of this Court's mandate.

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

Delivered: December 8, 2021
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