IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,500-01

EX PARTE PHILLIP ANDREW FRIAS, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 20130D03266-171-1 IN THE 171ST DISTRICT COURT FROM EL PASO COUNTY

***Per curiam*.**

O R D E R

Applicant was convicted of two counts of aggravated sexual assault and one count of aggravated kidnaping. He was sentenced to life imprisonment on each count. Applicant filed a motion for new trial, which was granted by the trial court on the basis of ineffective assistance of counsel. The Eighth Court of Appeals reversed the trial court and reinstated his convictions. *State v. Frias*, 511 S.W.3d 797 (Tex. App.—El Paso 2016). 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 alleges that his trial counsel was ineffective. The trial court has signed findings of fact recommending that this Court grant relief. We do not agree with the trial court.

Applicant has not met his burden to show that he is entitled to habeas relief. He does not show that counsel's performance was deficient or that he was prejudiced given the entirety of the record and the totality of the evidence against him. *Strickland v. Washington*, 466 U.S. 668 (1984). Based on this Court's independent review of the entire record, we deny relief.

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