IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,876-01

EX PARTE JAMES CHRISTOPHER PHILLIPS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 6880-A IN THE 39TH DISTRICT COURT
FROM HASKELL COUNTY**

***Per curiam*.**

O P I N I O N

Applicant was convicted of Engaging in Organized Criminal Activity and sentenced to nineteen years' imprisonment. Applicant, through habeas counsel, 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 that his plea was involuntary because trial counsel affirmatively misadvised him as to parole eligibility. *See Strickland v. Washington*, 466 U.S. 668 (1984); *Ex parte Moussazadeh*, 361 S.W.3d 684 (Tex. Crim. App. 2012). The trial court held an evidentiary hearing and recommends, with the State's agreement, that this Court grant habeas relief. The trial court adopted the parties' agreed findings and recommendation, which are supported by the record.

Relief is granted. The judgment in cause number 6880 in the 39th District Court of Haskell County is set aside, and Applicant is remanded to the custody of the Sheriff of Haskell 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: November 9, 2022
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