



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,435-01

EX PARTE JUAN CARLOS BALDERASCASTRO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-4-W012398-1660977-A IN THE CRIMINAL DISTRICT COURT NO. 4
FROM TARRANT COUNTY**

Per curiam.

OPINION

Applicant pleaded guilty and was convicted of driving while intoxicated with a child under 15 years of age, with an affirmative deadly weapon finding, and sentenced to 6 months in State Jail. 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 that his plea was involuntary because the sentence the parties agreed to is illegal. Based on the record, the trial court has determined that Applicant's plea was involuntary because the sentence is outside the statutory range and is therefore illegal.

Relief is granted. *Brady v. United States*, 397 U.S. 742 (1970). The judgment in cause number 1660977 in the Criminal District Court No. 4 District Court of Tarrant County is set aside,

and Applicant is remanded to the custody of the Sheriff of Tarrant 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: April 17, 2024
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