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Ex Parte Walsh  
Tex.Crim.App.,2007.

Only the Westlaw citation is currently available.  
UNDER TX R RAP RULE 77.3, UNPUBLISHED  
OPINIONS MAY NOT BE CITED AS  
AUTHORITY. **OPINION Do Not Publish**

Court of Criminal Appeals of Texas.  
Ex Parte Randall Gene WALSH, Applicant.  
No. AP-75601.

Jan. 31, 2007.

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

Tex.Crim.App.,2007.  
Ex Parte Walsh  
Not Reported in S.W.3d, 2007 WL 274186  
(Tex.Crim.App.)

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On Application for a Writ of Habeas Corpus Cause  
No. 20077, In the 336th District Court from  
FanninCounty.

Steven R. Micars, for Randall Gene Walsh.

## PER CURIAM.

**\*1 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 a writ of habeas corpus. Ex parte Young, 418 S.W.2d 824, 826 (Tex.Crim.App.1967). Applicant was convicted of murder and sentenced to thirty-five years' imprisonment. He did not appeal his conviction.**

Applicant contends that trial counsel was ineffective for advising Applicant that the State could pursue capital punishment and for failing to discuss with Applicant the elements of the offense and possible defenses and lesser included offenses. We remanded this application to the trial court for findings of fact and conclusions of law.

On remand, the trial court concluded that counsel was ineffective and recommended granting relief. Accordingly, relief is granted. The judgment in Cause No. 20077 in the 336th Judicial District Court of FanninCounty is set aside, and Applicant is remanded to the Sheriff of FanninCounty to answer the charges against him.