

COURT OF CRIMINAL APPEALS OF TEXAS

Ex parte Michael Anderson

No. WR-97,171-01 (Tex. Crim. App. Jan. 15, 2026) · No. WR-97,171-01 · Decided January 15, 2026

SUMMARY

The Texas Court of Criminal Appeals granted habeas corpus relief to Michael Anderson, concluding that his guilty plea was involuntary because counsel advised him to seek shock probation despite his ineligibility. The court set aside the judgment for indecency with a child by exposure and remanded Anderson to the custody of the Brazos County Sheriff to answer the indictment.

CASE DETAILS

COURT	Court of Criminal Appeals of Texas
JURISDICTION	Texas Court of Criminal Appeals
DECIDED	January 15, 2026
DOCKET	WR-97,171-01
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Applicant sought post-conviction habeas corpus relief under Texas Code of Criminal Procedure article 11.07 after pleading guilty to indecency with a child by exposure and receiving a ten-year sentence. The trial court found the plea involuntary because counsel advised Applicant to plead for shock probation despite his statutory ineligibility. The Court of Criminal Appeals granted relief.
PRECEDENTIAL VALUE	unpublished
PARTIES	Michael Anderson, Applicant v. The State of Texas

TOPICS

- habeas corpus
- plea bargaining
- state post-conviction relief
- criminal procedure
- remedies

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- plea bargaining
- habeas corpus
- remedies

QUESTIONS PRESENTED

1. Whether Applicant's guilty plea was involuntary because counsel advised him to plead for shock probation when he was legally ineligible for shock probation.

2. Whether the judgment should be set aside and Applicant remanded to answer the charges in the indictment.

HOLDINGS

1. A guilty plea is involuntary when counsel advises the defendant to enter the plea for shock probation even though the defendant is legally ineligible for shock probation, because that advice falls outside the range of competence.
2. Habeas relief is warranted, the judgment must be set aside, and the applicant must be remanded to custody to answer the charges in the indictment when the guilty plea was involuntary because of counsel's legally incompetent plea advice.

FACTUAL BACKGROUND

Applicant was convicted of indecency with a child by exposure and sentenced to ten years' imprisonment. Counsel advised Applicant to enter a plea in exchange for shock probation, but Texas law made defendants convicted of the relevant offense ineligible for judge-imposed community supervision and, consequently, shock probation. The trial court determined that counsel's plea advice fell outside the range of competence and rendered the plea involuntary.

PROCEDURAL HISTORY

Applicant was convicted in the 361st District Court of Brazos County and sentenced to ten years' imprisonment. No appeal was taken. Applicant filed an article 11.07 habeas application in the county of conviction, and the district clerk forwarded it to the Court of Criminal Appeals. Based on the record, the trial court recommended relief, and the Court of Criminal Appeals set aside the judgment and remanded Applicant to custody to answer the indictment.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The judgment in cause number 24-03368-CRF-361 in the 361st District Court of Brazos County is set aside. Applicant is remanded to the custody of the Sheriff of Brazos County to answer the charges set out in the indictment. The trial court must issue any necessary bench warrant within ten days from the date of the Court of Criminal Appeals' mandate. Copies of the opinion must be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and the Board of Pardons and Paroles.

CASES CITED

- State v. Posey, 330 S.W.3d 311, 315 (Tex. Crim. App. 2011)
- Ex parte Cox, 482 S.W.3d 112, 117-18 (Tex. Crim. App. 2016)

OPINION

PER CURIAM.

IN THE COURT OF CRIMINAL APPEALS OF TEXAS NO. WR-97,171-01 EX PARTE MICHAEL ANDERSON, Applicant ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 24-03368-CRF-361-A IN THE 361ST DISTRICT COURT BRAZOS COUNTY Per curiam. OPINION Applicant was convicted of indecency with a child by exposure and sentenced to 10 years' imprisonment. There was no appeal in this cause.

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 counsel advised Applicant to enter a plea for shock probation when he was ineligible for it. Based on the record, the trial court has determined that Applicant's plea was involuntary because counsel's plea advice was outside the range of competence when the law established that defendants convicted of indecency with a child by exposure are not eligible for shock probation.

See TEX. CODE CRIM. PROC. art. 42A.054(a)(7) (defendants convicted under Penal Code Section 21.11 are not eligible for court-ordered community supervision); see also *State v. Posey*, 330 S.W.3d 311, 315 (Tex. Crim. App. 2011) (a defendant who is not eligible for judge-imposed community supervision under art. 42A.054(a) is not eligible for shock probation). Relief is granted.

Ex parte Cox, 482 S.W.3d 112, 117–18 (Tex. Crim. App. 2016). The judgment in cause number 24-03368-CRF-361 in the 361st District Court of Brazos County is set aside, and Applicant is remanded to the custody of the Sheriff of Brazos 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: January 15, 2026 Do not publish