

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

OPINION

Anderson, Michael

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 Delivered: January 15, 2026 Do not publish

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