



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. AP-76,245

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EX PARTE SUSAN LUCILLE WRIGHT, Applicant

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ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 937134-A IN THE 263RD DISTRICT COURT  
FROM HARRIS COUNTY

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*Per curiam.*

### OPINION

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 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 25 years' imprisonment. The Fourteenth Court of Appeals affirmed her conviction. *Wright v. State*, 178 S.W.3d 905 (Tex. App.—Houston [14<sup>th</sup> Dist.] 2005, pet ref'd).

Applicant contends counsel rendered ineffective assistance in the guilt phase, in the punishment phase, and during the hearing on the motion for a new trial.

Based on the trial judge's findings pronounced in open court and our own review of the

record, we find that counsel rendered ineffective assistance during the punishment phase of trial. *Strickland v. Washington*, 466 U.S. 668 (1984).

Relief is granted in part. The judgment of conviction in Case No. 937134-A from the 263rd Judicial District Court of Harris County is set aside, and the Applicant is remanded to the custody of the Sheriff of Harris County so that a new punishment trial can be conducted.

We decline to adopt the trial judge's written findings of fact and conclusions of law because either they are not supported by the record or they are contrary to the law.

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

Delivered: October 28, 2009  
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