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⚖ Vol. 23, No. 45, November 9, 2015

Case Name: [Ex parte Juan Carlos Reyes](#)

- OFFENSE: Post-Conviction Habeas Corpus / Article 11.072, C.Cr.P.
- COUNTY: El Paso
- COURT OF APPEALS: El Paso 2014
- C/A CITATION: Unpublished
- C/A RESULT: Trial Court Reversed
- CCA. CASE No. PD-1277 DATE OF OPINION: November 4, 2015
- DISPOSITION: Court of Appeals Reversed
- OPINION: [Keller, PJ.](#) VOTE: 9-0
- TRIAL COURT: CCL 7; Hon. Thomas Spieczny
- LAWYERS: [James Lucas](#) (Defense); [Lily Stroud](#) (State)

⚖ **512.04 Appellate Procedure / Procedures on Reversal:** Appellee was charged with family-violence assault. Pursuant to an agreement, he pled guilty and was placed on community supervision. In a habeas application under Article 11.072, C.Cr.P., Appellee attacked the community-supervision judgment on five grounds. In his first ground, he contended that his trial attorney failed to inform him -- in violation of [Padilla v. Kentucky](#), 559 U.S. 356 (2010), that the judgment would subject him to deportation. In his remaining grounds, Appellee contended that his trial attorney was ineffective for failing to adequately investigate the case, that the attorney was ineffective for failing to advise Appellee regarding the law of self-defense, that Appellee's guilty plea was not knowingly and intentionally made, and that Appellee was actually innocent of the offense. The trial court granted relief on the first ground and did not address the remaining four grounds. In its conclusions of law, the trial court stated that [Padilla](#) applied retroactively. The State appealed the grant of relief, and, relying on [Chaidez v U.S.](#), No. 11-0820 (02/20/2013)(see ⚖, [Vol. 21, No. 8](#); 02/25/2013), and [Ex parte De Los Reyes](#), 392 S.W.3d 675 (Tex.Cr.App. 2013)(see ⚖, [Vol. 21, No. 12](#); 03/25/2013), the Court of Appeals held that [Padilla](#) did not apply retroactively, and, as a result, Appellee was not entitled to relief on the [Padilla](#) claim.

Holding: [When] an Article 11.072 habeas Applicant advances multiple issues that would entitle him to relief, the trial court may limit its grant of relief to only one of the issues, as long as the court does not neglect an issue that would result in greater relief than the

one addressed. Although it may not seem so here, this rule serves the principle of judicial economy by allowing a court to grant relief on a claim when entitlement to relief is obvious without having to spend time and resources resolving more difficult claims that, even if decided in the habeas Applicant's favor, would afford him no greater relief. Consequently, when the trial court granted Appellee relief on the Padilla claim, it was not required to address Appellee's other ineffective-assistance-of-counsel claims. A declaration of actual innocence, because of its impact on a defendant's reputation, affords greater relief than merely granting a new trial, so in the usual case, we might decide that Appellee forfeited his actual-innocence claim by failing to pursue it in the trial court. But because we have not, before now, explicitly labeled actual-innocence relief as a greater form of relief than a new trial, we do not fault the trial court and the parties for failing to dispose of this claim at the time relief was granted on the Padilla claim. And when the court of appeals later abated the case on the State's motion for further findings and conclusions on the Padilla claim, the appellate court still had jurisdiction of the case, since it was on appeal from a grant of relief, and the abatement appeared to have been for the limited purpose of addressing the assertions in the State's motion. Appellee did not forfeit his claims by failing to pursue them at that time, and the trial court did not err by failing to address claims that were outside the State's motion. *** Because the trial court did not resolve all of Appellee's claims, and those claims were not waived, the Court of Appeals erred in rendering judgment. The appellate court should have remanded the case to the trial court for further proceedings. Whether those further proceedings involve merely additional fact findings or also involve further development of the record is a determination to be made by the trial court, at least in the first instance. We reverse the judgment of the Court of Appeals and remand the case to the trial court for further proceedings consistent with this opinion.