



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-85,529-01

EX PARTE JOSE ANDRES DE LA ROSA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR-1838-93-D(1) IN THE 206TH DISTRICT COURT
FROM HIDALGO COUNTY**

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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of possession of marihuana and sentenced to twelve years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *De La Rosa v. State*, No. 13-94-00356-CR (Tex. App.—Corpus Christi Sept. 14, 1995) (not designated for publication).

Applicant contends that he is entitled to time spent out of custody on an appeal bond. The trial court made findings of fact and conclusions of law and recommended that we grant relief. We

agree.

Relief is granted. Applicant shall receive credit from the date the appellate mandate issued in his case to February 3, 2016. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

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

Delivered: April 12, 2017

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