



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,182-01

EX PARTE ROLANDO MEDRANO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 14-CRF-0124-A IN THE 105TH DISTRICT COURT
FROM KLEBERG 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 two counts of aggravated sexual assault of a disabled individual and sentenced to two life sentences, which the trial court ordered to be served consecutively. The Thirteenth Court of Appeals affirmed his conviction. *Medrano v. State*, No. 13-15-00120-CR (Tex. App. — Corpus Christi – Edinburg, September 2, 2016) (not designated for publication).

Applicant contends, among other things,¹ that his trial counsel rendered ineffective assistance because he failed to object when the trial court ordered the sentences for these two counts to run consecutively.

In an affidavit submitted in response to Applicant's allegations, trial counsel states that he does not recall whether or not he objected to the imposition of consecutive sentences, but concedes that if he did not object, and if the sentences were unauthorized, the error was his in failing to object. Because the offenses in each count were part of the same criminal episode and were tried in a single proceeding, there was no statutory authorization for the trial court's cumulation order. The record reflects that trial counsel did not object when the trial court ordered that the sentences in these two counts run consecutively.

Relief is granted. The judgment in Cause No. 14-CRF-0124-A in the 105th District Court of Kleberg County is reformed to remove the cumulation order.

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

Delivered: April 11, 2018
Do not publish

¹This Court has considered Applicant's other claims and finds them to be without merit.