



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. AP-76,699, AP-76,700, AP-76,701, AP-76,702

**EX PARTE DAVID HARLEY BAILEY, Applicant**

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**ON APPLICATIONS FOR A WRIT OF HABEAS CORPUS  
CAUSE NOS. 88-CR-145-B, 88-CR-142-B, 88-CR-139-B & 88-CR-144-B  
IN THE 138TH DISTRICT COURT  
FROM CAMERON COUNTY**

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*Per curiam.*

### O P I N I O N

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 these applications 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 injury to a child and sentenced to ten years' imprisonment on each count. He was also convicted of two counts of aggravated sexual assault and sentenced to twenty years' imprisonment on each count. He did not appeal his convictions.

Applicant contends, among other things, that his sentences were improperly cumulated. On

April 13, 2005, we denied his applications without written order. On December 15, 2010, we reconsidered these dispositions on our own motion and remanded his applications for further findings of fact and conclusions of law. On March 9, 2011 and June 15, 2011, we remanded his applications again for further findings and conclusions. After holding live evidentiary hearings, the trial court concluded that Applicant's sentences were improperly cumulated and recommended that we grant relief. We agree with the trial court's recommendation. Relief is granted. The judgments of conviction in cause numbers 88-CR-145-B, 88-CR-142-B, 88-CR-139-B, and 88-CR-144-B in the 138th District Court of Cameron County are reformed to reflect that Applicant's sentences run concurrently.

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

Filed: November 23, 2011  
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