



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,770

EX PARTE KIM PEREIRA, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 199-81296-09 IN THE 199TH DISTRICT COURT
FROM COLLIN 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 possession of child pornography and sentenced to ten years' imprisonment on each count. He was also convicted of two counts of possession with the intent to promote child pornography and sentenced to twenty years' imprisonment on each count. He did not appeal his convictions.

Applicant contends that his pleas were rendered involuntary because the plea agreement cannot be followed. The trial court determined that Applicant pled guilty pursuant to an agreement

that these sentences would run concurrently with a federal sentence. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgments in cause number 199-81296-09 in the 199th District Court of Collin County are set aside, and Applicant is remanded to the custody of the Sheriff of Collin County to answer the charges as set out in the indictment. 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 18, 2012
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