



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-77,423-01

EX PARTE MICHAEL TIMOTHY MCGOLDRICK, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 06-027-K26 IN THE 26TH DISTRICT COURT
FROM WILLIAMSON COUNTY**

Per curiam.

ORDER

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 twenty-one counts of possession of child pornography and sentenced to ten years on each count. The sentences in the first five counts were ordered to run consecutively with each other, and the sentences in the remaining counts were probated and ordered to run concurrently with each other but consecutively with count five. The Third Court of Appeals affirmed Applicant's convictions. *McGoldrick v. State*, No. 03-07-00132-CR (Tex. App.—Austin Aug. 29, 2007, no pet.).

Applicant contends that the cumulation of his sentences is illegal and violates the *Ex Post*

Facto Clause. He also contends that trial counsel failed to object to the cumulation of his sentences. The trial court made findings of fact and conclusions of law and recommended that we deny relief. We agree that the claims relating to the first five counts are without merit. Relief is denied. The claims relating to the remaining counts are dismissed. TEX. CODE CRIM. PROC. art. 11.07, § 3(a); *Ex parte Renier*, 734 S.W.2d 349 (Tex. Crim. App. 1987). Accordingly, this application is denied in part and dismissed in part.

Filed: May 2, 2012

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