



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-81,875-01

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**EX PARTE ROBERT DAVID MIELNICKI, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1230331D IN THE 371ST DISTRICT COURT  
FROM TARRANT COUNTY**

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*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 robbery and sentenced to fifteen years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because the plea agreement cannot be followed. We remanded this application to the trial court for findings of fact and conclusions of law.

The trial court determined that Applicant pleaded guilty pursuant to an agreement that his sentence would run concurrently with federal sentences. The federal judgments require the federal sentences to begin when the state sentence expires. Applicant is entitled to relief. *Ex parte Huerta*,

692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in cause number 1230331D in the 371st District Court of Tarrant County is set aside, and Applicant is remanded to the custody of the Sheriff of Tarrant 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: June 17, 2015  
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