IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,426-02

EX PARTE ROBERT JESSE PADILLA, JR., Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 06-921-K368 IN THE 368TH DISTRICT COURT
FROM WILLIAMSON COUNTY

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 this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty to possession with intent to deliver a controlled substance in a drug free zone, and was sentenced to fifteen years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because he was advised incorrectly regarding the punishment range for the offense, and because he was advised that he would serve his sentence in this case concurrently with a federal sentence and would serve it in federal custody. We

remanded this application to the trial court for findings of fact and conclusions of law.

The trial court determined that Applicant was in fact incorrectly advised as to the applicable punishment range for this offense. The trial court finds that Applicant would not have entered into the plea agreement had he known the correct punishment range, and that he may not serve his sentence concurrently with his federal sentences in federal custody. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. 06-921-K368 in the 368th District Court of Williamson County is set aside, and Applicant is remanded to the custody of the Sheriff of Williamson 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: May 20, 2015
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