



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,482-01

EX PARTE RICHARD SEPEDA SOSA, III, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. B-13-1065-SB IN THE 119th DISTRICT COURT
FROM TOM GREEN 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 evading arrest with a vehicle and sentenced to twenty-five years' imprisonment. He did not appeal his conviction.

Applicant alleges his sentence in this case is illegal. Specifically, he alleges the punishment range in this case was improperly enhanced under TEX. PENAL CODE § 12.42 (d), through the improper use of a prior state jail felony conviction for possession of a controlled substance.

The trial court has determined, based upon the record, that Applicant's punishment range in

this case was improperly enhanced and the sentence is illegal. Applicant is entitled to relief. *Samaripas v. State*, 454 S.W.3d 1 (Tex. Crim. App. 2014).

Relief is granted. The sentence in Cause No. B-13-1065-SB in the 119th District Court of Tom Green County is set aside, and Applicant is remanded to the custody of the Sheriff of Tom Green County, so that a new punishment hearing may be conducted by the trial court. 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: September 16, 2015
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