



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,701-01

EX PARTE MICHAEL TODD CALABRESE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 49390-C-1 IN THE 89TH DISTRICT COURT
FROM WICHITA 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 three counts of robbery and sentenced to three concurrent terms of ten years' imprisonment.

Applicant contends that his guilty pleas were involuntary because the plea agreement in his cases cannot be followed. The State agrees with Applicant that the plea agreement cannot be followed, that Applicant's guilty pleas were rendered involuntary, and that the convictions should be set aside. The trial court recommends granting relief. Its findings and recommendation are

supported by the record.

Relief is granted. The judgment in Cause No. 49,390-C in the 89th District Court of Wichita County is set aside, and Applicant is remanded to the custody of the Sheriff of Wichita 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: August 26, 2015

Do not publish