



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-85,274-01

EX PARTE JOSHUA DEMELLES THOMPSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. A-18,369-A IN THE 173RD DISTRICT COURT
FROM HENDERSON 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 and sentenced to six years' imprisonment. He did not appeal his conviction.

Applicant contends, among other things, that his sentence is illegal because he was sentenced for a third-degree felony when he was charged with a state jail felony.

The trial court determined, among other things, that Applicant "should have been subject only to a maximum of two years confinement in a state jail sentence," and that his sentence is

“unlawful.” Applicant is entitled to relief. *Ex parte Parrott*, 396 S.W.3d 531, 534 (Tex. Crim. App. 2013).

Relief is granted. The judgment in Cause No. A-18,369 in the 173rd District Court of Henderson County is set aside, and Applicant is remanded to the custody of the Sheriff of Henderson 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: September 14, 2016
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