



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-76,767-05

EX PARTE CHRISTOPHER DOUGLAS SIMMONS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. C-1-010823-1294037-D IN THE CRIMINAL DISTRICT
COURT NO. 1 FROM TARRANT 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 four counts of violation of civil commitment requirements for sexually violent predators and sentenced to concurrent terms of seven years' imprisonment.

Applicant alleges that he should have only one conviction for violating the civil commitment order, not four, and that the multiple convictions violates Double Jeopardy. The State agrees, and the trial court recommends granting habeas relief by setting aside the convictions in: Count 2,

Paragraph 3; Count 3; and Count 3, Paragraph 3; the conviction in Count 2 is to remain unaffected.

The findings and recommendation are supported by the habeas record and applicable law. This Court held in *Stevenson v. State*, 499 S.W.3d 842 (Tex. Crim. App. 2016), that the statute of conviction created a single offense for violating a civil-commitment order, and a defendant could not be separately punished for each way the violation was alleged to have occurred. Relief is granted. The judgments in Cause No. 1294037D as to: Count 2, Paragraph 3; Count 3; and Count 3, Paragraph 3, in the Criminal District Court No. 1 of Tarrant County, are set aside. The judgment in Cause No. 1294037D as to Count 2 remains unaffected. All other habeas relief is denied.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: April 25, 2018
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