



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-88,711-01, WR-88,711-02, WR-88,711-03, WR-88,711-04, WR-88,711-05,
WR-88,711-06, WR-88,711-07, WR-88,711-08, WR-88,711-09 WR-88,711-10

EX PARTE PETRA MONTOYA, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. CR2016-327, CR2016-328, CR2016-329, CR2016-330, CR2016-331, CR2016-
332, CR2016-333, CR2016-334, CR2016-335, CR2016-336
IN THE 433RD DISTRICT COURT FROM COMAL 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of theft in ten cause numbers and sentenced to two years' state jail imprisonment in each cause. Some of the sentences are to be served consecutively. She did not appeal her convictions.

Applicant contends that her plea was involuntary because trial counsel informed her that she would be eligible for parole on all her cases after serving two years. She alleges that she would not

have pleaded guilty had she known that she would not be eligible for parole.

Trial counsel filed an affidavit with the trial court. Based on that affidavit, the trial court determined that Applicant is entitled to relief. The State agreed. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgments in Cause Nos. CR2016-327, CR2016-328, CR2016-329, CR2016-330, CR2016-331, CR2016-332, CR2016-333, CR2016-334, CR2016-335, CR2016-336, in the 433rd District Court of Comal County are set aside, and Applicant is remanded to the custody of the Sheriff of Comal County to answer the charges as set out in the indictments. 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 22, 2018
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