



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-88,889-01

EX PARTE KENNETH JOHN GRABOWSKI, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2015CR2572-W1 IN THE 437TH DISTRICT COURT
FROM BEXAR 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 aggravated sexual assault and prohibited sexual conduct and sentenced to sixty years' imprisonment on each count. The Fourth Court of Appeals affirmed his convictions. *Grabowski v. State*, No. 04-15-00699-CR (Tex. App.—San Antonio Nov. 2, 2016) (not designated for publication).

Applicant contends, among other things, that his sixty-year sentence for prohibited sexual conduct is illegal.

The trial court made findings of fact, concluded that Applicant's sentence for prohibited sexual conduct is illegal, and recommended that we grant relief. We agree. Applicant's sentence for prohibited sexual conduct in cause number 2015CR2572 in the 437th District Court of Bexar County is set aside, and Applicant is remanded to the custody of the Sheriff of Bexar County for a new punishment hearing on his prohibited sexual conduct conviction. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues. All other 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: September 12, 2018
Do not publish