



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-91,763-01**

**EX PARTE MARIO BECERRA, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2016-409,387-A  
IN THE 137<sup>TH</sup> DISTRICT COURT FROM LUBBOCK COUNTY**

*Per curiam.*

## **OPINION**

Applicant was convicted of failure to register as a sex offender and sentenced to five years' imprisonment. The Seventh Court of Appeals affirmed his conviction. *Becerra v. State*, No. 07-17-00169-CR (Tex. App.—Amarillo Oct. 24, 2018). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. See TEX. CODE CRIM. PROC. art. 11.07.

Applicant alleges that his sentence is illegal because he had a ten year limit on his requirement to register, not a lifetime requirement, therefore the failure to comply was a state jail felony, not a third degree felony as his judgment states.

The State and the trial court agree that Applicant had a ten year duty to register and therefore

his five year sentence is outside the proper punishment range for his state jail offense. We agree. Relief is granted. The punishment in Cause No. 2016-409,387 in the 137<sup>th</sup> District Court of Lubbock County is vacated and set aside and Applicant is remanded to the custody of the Sheriff of Lubbock County to receive a new punishment hearing.

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

Delivered: October 7, 2020  
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