



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-37,039-03**

**EX PARTE ALONZO DEE FREEMAN, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. CR08446A IN THE 220TH DISTRICT COURT  
FROM HAMILTON 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 manufacture/delivery of a controlled substance as a habitual felon and sentenced to twenty-five years' imprisonment and a \$3,000 fine.

Applicant contends that the \$3,000 fine is not authorized as punishment under the habitual-felon statute. *See* TEX. PENAL CODE 12.42(d). He is correct. The trial court, with the State's agreement, recommends reforming Applicant's sentence by removing the unauthorized fine from it. The recommendation is supported by the habeas record forwarded to this Court. We hold

that the \$3,000 fine imposed in Cause No. CR08446 from the 220th District Court of Hamilton County is vacated. The twenty-five-year sentence imposed by the trial court remains unchanged.

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

Delivered: May 19, 2021

Do not publish