



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,425-01

EX PARTE ROCKY COOPER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2017-413,656-A IN THE 364TH DISTRICT COURT
FROM LUBBOCK COUNTY**

Per curiam.

OPINION

Applicant was convicted of failure to register as a sex offender and sentenced to four years' imprisonment. 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 contends that his sentence is illegal because he was subject to state jail felony punishment. Based on the record, the trial court has determined that Applicant's sentence is illegal.

Relief is granted. *Ex parte Pue*, 552 S.W.3d 226, 228 (Tex. Crim. App. 2018); *Ex parte Parrott*, 396 S.W.3d 531, 534 (Tex. Crim. App. 2013). The judgment in cause number 2017-413,656 in the 364th District Court of Lubbock County is set aside, and Applicant is remanded to the custody of the Sheriff of Lubbock County to answer the charges as set out in the indictment. The trial court

shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

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: February 10, 2021

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