



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-91,824-01

EX PARTE PEDRO CANTU, III, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 14-2559-CR-C-A IN THE 25TH JUDICIAL DISTRICT COURT
FROM GUADALUPE COUNTY**

Per curiam.

OPINION

Applicant was convicted of possession of a controlled substance and sentenced to twenty-five years' imprisonment. Applicant did not file a direct appeal. 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 guilty plea was involuntary because the plea agreement was conditioned on his state and federal sentences running concurrently. We remanded this application to the trial court for findings of fact and conclusions of law.

After remand, the trial court found that the plea agreement was conditioned on the state and federal sentences running concurrently, but finds the plea agreement is being followed by the State

of Texas.

We disagree. This Court finds that Applicant is not receiving credit on his federal sentence and that the plea agreement was conditioned on state and federal sentences running concurrently.

Relief is granted. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985). The judgment in cause number 14-2559-CR-C in the 25th District Court of Guadalupe County is set aside, and Applicant is remanded to the custody of the Sheriff of Guadalupe 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: March 31, 2021

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