



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-93,865-01, 93,865-02, & 93,865-03

EX PARTE JAMES REED III, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. 95027-A, 95129-A, & 95130-A
IN THE 252ND DISTRICT COURT
FROM JEFFERSON COUNTY**

***Per curiam.* NEWELL, J. filed a concurring opinion in which HERVEY, KEEL, and WALKER, JJ., joined. YEARY, J. filed a dissenting opinion in which KELLER, P.J. and SLAUGHTER, J., joined.**

OPINION

Applicant was convicted of three offenses of second degree robbery and sentenced to twenty years' imprisonment in each case. The Thirteenth Court of Appeals affirmed his convictions. *Reed v. State*, Nos. 13-09-00388-CR, 13-09-00389-CR, 13-09-00390-CR (Tex. App.—Corpus Christi-Edinburg Aug. 19, 2010) (mem. op., not designated for publication). Applicant filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that his trial (adjudication) and appellate counsel were ineffective

because trial counsel failed to object to the trial court's improper cumulation order and appellate counsel failed to raise the issue on direct appeal. Based on the record, the trial court has determined, and the State agrees, that both counsels' performances were deficient and that Applicant was prejudiced.

Relief is granted. *Strickland v. Washington*, 466 U.S. 668 (1984). The stacking orders in the judgments in cause number 95027, 95129, and 95130 in the 252nd District Court of Jefferson County are deleted.

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: SEPTEMBER 21, 2022
Publish