



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-94,958-01, 94,958-02, 94,958-03, 94,958-04, & 94,958-05

EX PARTE CARLOS LOPEZ, JR., Applicant

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ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. 17FC-2196-F(1), 17FC-1461-F(1), 17FC-1118-F(1), 17FC-0911-F(1), &  
CR16003452-F(1) IN THE 214TH DISTRICT COURT  
FROM NUECES COUNTY

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*Per curiam.*

### OPINION

Applicant was convicted of burglary of a habitation, two offenses of burglary of a building, two offenses of unauthorized use of a motor vehicle, and two counts of evading arrest with a vehicle. Applicant was sentenced to ten years' imprisonment on the burglary of a habitation, two years' imprisonment on the burglary of a building offenses and unauthorized use of a motor vehicle offenses, and ten years' imprisonment on the two counts of evading arrest with a vehicle. The Thirteenth Court of Appeals dismissed Applicant's appeal. *Lopez v. State*, Nos. 13-18-00112-CR, 13-18-00111-CR, 13-18-00110-CR, 13-18-00109-CR, 13-18-00108-CR (Tex. App.—Corpus Christi Jan. 24, 2019) (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 (revocation) 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 judgments in cause numbers 17FC-2196-F, 17FC-1461-F, 17FC-1118-F, 17FC-0911-F, and CR16003452-F in the 214th District Court of Nueces County are modified as follows:

- The sentence in Cause Number 17FC-0911F shall run concurrently with the sentences in Cause Numbers 17FC-2196F and 17FC-1118F;
- The sentence in Cause Number 17FC-2196F shall run concurrently with the sentences in Cause Numbers 17FC-0911F, CR16003452-F, and 17FC-1461F;
- The sentence in Cause Number 17FC-1118F shall run concurrently with the sentence in Cause Number 17FC-0911F;
- The sentence in Cause Number CR16003452-F shall run concurrently with the sentences in Cause Numbers 17FC-2196F and 17FC-1461F. The sentence in this cause shall begin when the punishment in Cause Number 17FC-0911F has ceased to operate; and
- The sentence in Cause Number 17FC-1461F shall run concurrently with the sentences in Cause Numbers 17FC-2196F and CR16003452-F. The sentence in this cause shall begin when the punishment in Cause Number 17FC-0911F has ceased to

operate.

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 6, 2023

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