



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,876

EX PARTE SHAD ST. IVES COLEMAN, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 05-1254-K277A IN THE 277TH DISTRICT COURT
FROM WILLIAMSON 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 possession of a controlled substance with intent to deliver and sentenced to nine years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because the plea agreement cannot be followed. Applicant's plea agreement affirmatively stated that this sentence was to be running concurrently with his federal sentence.

The trial court determined that Applicant pled guilty pursuant to an agreement that this

sentence would run concurrently with a federal sentence. Both the trial court and the State recommend that this Court grant relief. We agree. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. 05-1254-K277A in the 277th District Court of Williamson County is set aside, and Applicant is remanded to the custody of the Sheriff of Williamson County to answer the charge as set out in the indictment. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

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

Delivered: September 12, 2012
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