



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,958

EX PARTE ROLANDO RAMIREZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 10-59837-X
IN THE CRIMINAL DISTRICT COURT NO. 6 FROM DALLAS 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 burglary of a habitation and sentenced to five years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because the plea agreement cannot be followed.

The trial court determined that Applicant pled guilty pursuant to an agreement that this sentence would run concurrently with a federal sentence. The federal judgment requires the federal sentence to begin when the state sentence expires. 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. F-10-59837-X in the criminal district court number 6 of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County to answer the charges 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: January 30, 2013
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