



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-79,561-01**

**EX PARTE LATHANIEL RAUSEAN CALLIS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 99-6-6133 A IN THE 24TH DISTRICT COURT  
FROM JACKSON 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 robbery and sentenced to ninety-nine years' imprisonment. The Thirteenth Court of Appeals affirmed his conviction. *Callis v. State*, No. 13-99-00635-CR (Tex. App.—Corpus Christi/Edinburg 2001, pet. ref'd).

Applicant contends, among other things, that trial counsel failed to object to a punishment enhancement. We remanded this application for a response from counsel and findings of fact and conclusions of law. On remand, the trial court found that Applicant's sentence was illegally

enhanced. It recommended that we either grant Applicant a new punishment hearing or reform the judgment to reflect the maximum sentence for robbery.

Relief is granted. The sentence in cause number 99-6-6133 in the 24th District Court of Jackson County is set aside, and Applicant is remanded to the custody of the Sheriff of Jackson County for a new punishment hearing. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues. Applicant's remaining claims are denied.

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

Delivered: March 19, 2014  
Do not publish