



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00200-CR

JAMES SUNNY BURTON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 354th Judicial District Court
Hunt County, Texas
Trial Court No. 26,394

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

James Sunny Burton appeals his conviction and sentence for the offense of possession or transport of certain chemicals with intent to manufacture a controlled substance. TEX. HEALTH & SAFETY CODE ANN. § 481.124 (Vernon 2010). In a single proceeding before the trial court, Burton pled guilty to this charge and was sentenced to seven years' imprisonment. At the same time, he pled guilty to the offense of possession of one gram or less of a controlled substance, methamphetamine, and was sentenced to two years' imprisonment. We sustain Burton's second point of error for the reasons set forth in our opinion in the companion case, *Burton v. State*, cause number 06-10-00199-CR, and reverse the judgment and remand to the trial court for further proceedings. Please see our opinion in that case for a detailed examination of the issues and law governing these cases.¹

Jack Carter
Justice

Date Submitted: March 15, 2011

Date Decided: April 5, 2011

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¹Burton has addressed both convictions in a single brief, and the issues and facts in the two cases are the same.