



Ex parte Grantham

2007 | Cited 0 times | Court of Criminal Appeals of Texas | April 18, 2007

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 unlawful possession of a firearm by a felon and sentenced to sixty years' imprisonment as a habitual offender. Tex. Pen. Code § 12.42(d). The Twelfth Court of Appeals affirmed his conviction. *Grantham v. State*, No. 12-00-00270-CR (Tex. App.-Tyler, delivered February 5, 2003, pet. ref'd).

Applicant contends, among other things, that his sentence is illegal because his previous convictions were not sequential. Tex. Pen. Code § 12.42(d). In its findings, the trial court concluded that Applicant's sentence is illegal and recommended that we grant Applicant a new punishment hearing. We agree. Accordingly, relief is granted. The sentence in Cause No. 114-0197-00-A in the 114th Judicial District Court of Smith County is vacated, and Applicant is remanded to the Sheriff of Smith County for a new punishment hearing.

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

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