IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-75,999

EX PARTE LARRY JONES, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 15,039-CR IN THE 349TH DISTRICT COURT FROM HOUSTON COUNTY

***Per curiam*.**

O P I N I O N

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 three counts of burglary of a habitation and sentenced to three terms of ten years' imprisonment. He did not appeal his convictions.

Applicant contends that these convictions should not render him ineligible for release on mandatory supervision. We remanded this application to the trial court for findings of fact and conclusions of law. On remand, the trial court found that Applicant was convicted of second rather

than first degree burglaries of a habitation and that theft was the underlying offense of the burglaries. The trial court concluded that Applicant is eligible for release on mandatory supervision on these convictions. We agree. Accordingly, the judgment is reformed to reflect that Applicant was convicted of three counts of second degree burglary of a habitation with intent to commit theft. The Texas Department of Criminal Justice–Correctional Institutions Division and Pardons and Paroles Division shall treat Applicant as an inmate eligible for release on mandatory supervision on these convictions.

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

Delivered: September 10, 2008
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