IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. AP-77,014 & AP-77,015

EX PARTE ROBERT GAMBLE, Applicant

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS CAUSE NOS. 937904 & 937905 IN THE 262ND DISTRICT COURT FROM HARRIS COUNTY

Per curiam*. ALCALA, J., *not participating.

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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of two charges of burglary of a habitation and sentenced to thirty years' imprisonment in Cause No. 937904 and to seventeen years' imprisonment in Cause No. 937905. The First Court of Appeals affirmed his convictions. *Gamble v. State*, Nos. 01-03-00203-CR & 01-03-00204-CR (Tex. App.—Houston [1st Dist.] June 10, 2004) (unpublished).

Applicant contends that his convictions violated double jeopardy and that trial counsel rendered ineffective assistance.

Applicant was charged and convicted of two burglaries, both of which were based on one entry of a habitation and two subsequent assaults. We agree with the trial court's conclusion that Applicant has suffered multiple punishments for the same offense. *Ex parte Cavazos*, 203 S.W.3d 333 (Tex. Crim. App. 2006). Applicant is entitled to relief.

Relief is granted. The judgment in Cause No. 937905 in the 262nd Judicial District Court of Harris County is vacated and set aside. All remaining issues challenging the judgment in Cause No. 937904 are denied.

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

Delivered: April 17, 2013
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