



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-81,418-01

EX PARTE CORNELIA DUNCAN, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1383723-A IN THE 180TH DISTRICT COURT
FROM HARRIS 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 possession of a controlled substance and sentenced to 180 days' imprisonment. She did not appeal her conviction.

In a single ground, Applicant contends that she is actually innocent. *See Ex parte Elizondo*, 947 S.W.2d 202 (Tex. Crim. App. 1996). The trial court adopted the State's proposed findings of fact and concluded that Applicant is actually innocent. We disagree that Applicant has established that she is actually innocent. Instead, we hold that her guilty plea was involuntary. *See Ex parte*

Mable, 443 S.W.3d 129 (Tex. Crim. App. 2014). Relief is granted. The judgment in cause number 1383723 in the 180th District Court of Harris County is set aside, and if in custody, Applicant is remanded to the custody of the Sheriff of Harris County to answer the charges as set out in the information. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice–State Jail Felony Division and Pardons and Paroles Division.

Delivered: March 18, 2015

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