



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,180-01

EX PARTE DAVON COLLINS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1451213-A IN THE 184TH 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 pleaded guilty to possession of 28 to 199 grams of codeine and was sentenced to three years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary and his due process rights were violated because subsequent forensic testing found no codeine. The trial court and the State both recommended that we set aside Applicant's conviction. We agree. *See Ex parte Mable*, 443 S.W.3d

129 (Tex. Crim. App. 2014). We decline, however, to adopt conclusion of law number six. The judgment in cause number 1451213 in the 184th District Court of Harris County is set aside, and 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-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: June 10, 2015
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