



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,813-01

EX PARTE DERICK MANUEL PALMER, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 14-10-11912-CR (1) IN THE 9th DISTRICT COURT
FROM MONTGOMERY 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 with intent to deliver and sentenced to five years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because, due to a misrepresentation contained in the arresting officers' report, all the parties operated under an incorrect belief as to the facts surrounding this offense.

Based on the facts of this case, the trial court, in agreement with the State, has determined that Applicant's plea was involuntary. Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. The judgment in Cause No. 14-10-11912-CR in the 9th District Court of Montgomery County is set aside, and Applicant is remanded to the custody of the Sheriff of Montgomery County to answer the charges as set out in the indictment. 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: October 28, 2015
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