



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-85,184-01

EX PARTE AMY ALBRITTON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1272976-A IN THE 183rd 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 forty-five days' imprisonment in county jail pursuant to TEX. PENAL CODE § 12.44(a). She did not appeal her conviction.

Applicant contends, *inter alia*, that her plea was involuntary because, at the time she entered her open plea of guilty, she was not aware of subsequent laboratory testing that showed she did not possess any illicit narcotics in this case.

Based on the record, the trial court determined Applicant's allegations are true. The trial court also concluded that, because Applicant was not aware of the laboratory results, her plea in this case was unknowing and involuntary. Applicant is entitled to relief. *Ex parte Mable*, 443 S.W.3d 129 (Tex. Crim. App. 2014).

Relief is granted. The judgment in Cause No. 1272976-A in the 183rd 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 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: June 22, 2016
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