



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,075-01

EX PARTE APRIL DEGEORGE GROTTON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 13-05-05605-CR(1) IN THE 410TH 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 pleaded guilty to possession of a controlled substance in exchange for four years' deferred adjudication community supervision. She was later adjudicated guilty and sentenced to 365 days in state jail. She did not appeal her conviction.

Applicant contends that her plea was involuntary because some time after she entered her plea, the evidence in her case was tested and found not to contain any controlled substance.

Although Applicant has discharged her sentence in this case, she alleges that she is suffering continuing consequences as a result of this conviction. Those continuing consequences are sufficient to allow this Court to address her claims. *Ex parte Harrington*, 310 S.W.3d 452, 456-57 (Tex. Crim. App. 2010).

The parties have entered agreed findings of fact and conclusions of law, and the trial court has determined that Applicant's decision to plead guilty in this case was not a voluntary and intelligent choice. 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. 13-05-05605-CR in the 410th 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 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: December 14, 2016
Do not publish