



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,190-01

EX PARTE ANDREW MELCHOR SAUCEDO, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1415436-A IN THE 262nd 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, penalty group four, over four hundred grams (codeine) and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that newly discovered laboratory analysis in this case shows he did not possess any penalty group four substance and that he only possessed a substance listed as a dangerous drug.

The State and the trial court agree that Applicant is entitled to relief. Applicant's claim is supported by the habeas record. 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. 1415436 in the 262nd 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: September 13, 2017
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