



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,325-01

**EX PARTE CHRISTINE MICHELLE HOLMES,
A.K.A. CHRISTINE MICHELLE HILLER, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 23-04-05568 (1) IN THE 9TH DISTRICT COURT
FROM MONTGOMERY COUNTY**

Per curiam. YEARY, J., had a concurring opinion.

OPINION

Applicant was convicted of possession of a controlled substance in PG 1, in an amount less than 1 gram, and sentenced to 30 days' Montgomery County Jail. *See* TEX. PENAL CODE § 12.44(a). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that her plea was involuntary because at the time of her plea, she was not aware that the substance she possessed contained no controlled substances. The State agrees. Based on the record, the trial court has determined that Applicant's plea was involuntary.

Relief is granted. *Ex parte Mable*, 443 S.W.3d 129 (Tex. Crim. App. 2014); *Brady v. United States*, 397 U.S. 742 (1970). The judgment in cause number 23-04-05568 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 ten days from the date of this Court's mandate.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: January 24, 2024

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