



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-81,598-01

EX PARTE QUENTIN BRYANT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1406203-A IN THE 208TH 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 marihuana in an amount of five pounds or less but more than four ounces and sentenced to two years' imprisonment. He did not appeal his conviction.

Applicant contends that newly discovered evidence in this case only supports a conviction for the lesser included offense of possession of marihuana in an amount of four ounces or less but more than two ounces.

Applicant's claim is supported by the habeas record. Applicant is entitled to relief. *State v. Wilson*, 324 S.W.3d 595 (Tex. Crim. App. 2010).

Relief is granted. The judgment in Cause No. 1406203-A in the 208th 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 17, 2014
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