



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,354-01

EX PARTE KENNETH DEWAYNE MOORE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 14CR1521-83-1 IN THE 405TH DISTRICT COURT
FROM GALVESTON 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 possessing one to four grams of cocaine with the intent to deliver. He was sentenced to two years' imprisonment. He did not appeal his conviction.

In a single ground, Applicant contends that the substance he possessed is Benzocaine, which is not a controlled substance. The trial court recommended that we grant relief.

We find that Applicant's plea was involuntary. *Ex parte Mable*, 2014 Tex. Crim. App.

LEXIS 974 (Tex. Crim. App. Sept. 17, 2014). Relief is granted. The judgment in cause number 14CR1521 in the 405th District Court of Galveston County is set aside, and Applicant is remanded to the custody of the Sheriff of Galveston 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: November 19, 2014
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