



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-75,651-02

EX PARTE DANNY D. SWEAT, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1229446-B IN THE 180TH 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 pleaded guilty to possession of a controlled substance, and was sentenced pursuant to Section 12.44(a) of the Texas Penal Code to sixty days' county jail imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary and that his conviction violates due process because after he entered his plea, laboratory tests revealed that the evidence in this case contained no controlled substance. Applicant alleges that he was never advised of the laboratory test results,

and alleges that he would not have pleaded guilty to this offense had he known that the evidence did not support the charge. The parties have entered agreed findings of fact and conclusions of law, which the trial court has adopted.

The trial court has determined that Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985); *Ex parte Mable*, 443 S.W. 3d 129 (Tex. Crim. App. 2014). Relief is granted. The judgment in Cause No. 1229446 in the 180th 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 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: September 16, 2015
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