



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-83,182-01

EX PARTE BENJAMIN PARRISH, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1429163-A IN THE 184TH 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, to-wit: methylenedioxy methamphetamine (MDMA) in an amount of four grams or more but less than four hundred grams, and was sentenced to two years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary and that his conviction violates due process because the evidence in this case was tested and found not to contain any MDMA, although the lab

test shows that the evidence contained methamphetamine.

The parties have entered agreed findings of fact and conclusions of law, and the trial court has determined that Applicant's decision to plead guilty in this case was not a voluntary and intelligent choice, and that his conviction for possession of MDMA violates due process. 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. 142916301010 in the 184th 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: February 10, 2016
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