



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,577-02

EX PARTE JOSHUA NATHANIEL FRIEND, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 15CR2293-83-2 IN THE 122ND 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 possession of less than one gram of cocaine, and was sentenced pursuant to Section 12.44(a) of the Texas Penal Code to sixty days in county jail. He did not appeal his conviction.

Applicant contends that his plea was involuntary because several months after his plea, the substance he possessed was tested by the crime laboratory and found not to contain any cocaine. The parties agree that Applicant's guilty plea was not knowingly and voluntarily entered, because he did

not possess a full understanding of the law in relation to the facts at the time of his plea. *Ex parte Mable*, 443 S.W.3d 129, 131 (Tex. Crim. App. 2014).

Relief is granted. The judgment in Cause No. 15CR2293 in the 122nd 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: May 24, 2017
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