



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-87,420-01

EX PARTE QUINCY DEVON BROOKS , Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 17CR1879-83-1 IN THE 56th 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 was convicted of possession of cocaine in an amount of less than one gram and he was sentenced to six months in state jail. He did not appeal his conviction.

Applicant contends that he is actually innocent of this offense.¹ This claim is without merit.

¹ Applicant's habeas corpus counsel has properly verified the application as the petitioner in this case. However, the pleadings before us have been poorly drafted and it is unclear whether counsel had Applicant handwrite the ground for relief and supporting facts and then merely signed off on the document.

However, the record before us clearly shows newly discovered laboratory analysis in this case shows Applicant did not possess any cocaine or any other controlled substance. Therefore, we agree with the State and the trial court that Applicant's plea was involuntary and he is entitled to relief. *Ex parte Mable*, 443 S.W.3d 129 (Tex. Crim. App. 2014).

Relief is granted. The judgment in Cause No. 17CR1879 in the 56th 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: October 4, 2017
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