



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-86,723-01**

**EX PARTE JONAH SWENSON, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1475074-A IN THE 178TH 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 AB-CHMINACA and was sentenced to eight years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary and his conviction violates due process. There is no evidence that Applicant is guilty of a third degree felony. *Ex parte Perales*, 215 S.W.3d 418, 419–20 (Tex. Crim. App. 2007). Accordingly, the judgment in cause number 1475074 in the 178th 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: September 19, 2018  
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