



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-88,163-01

EX PARTE PAUL GARZA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1204694-A IN THE 209TH 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 waived indictment and was convicted of possession of cocaine based on his guilty plea.

Applicant contends that his guilty plea was involuntary. Laboratory testing made available after the plea shows that the material Applicant possessed was not cocaine. The trial court, with the State's agreement, recommends that habeas relief be granted and that Applicant be permitted to withdraw his guilty plea in light of the laboratory evidence. The findings and recommendation are

supported by the habeas record.

Relief is granted. *See Ex parte Mable*, 443 S.W.3d 129 (Tex. Crim. App. 2014). The judgment in Cause No. 1204694 in the 209th District Court of Harris County is set aside, and Applicant is ordered 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: April 11, 2018
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