



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-88,456-01

EX PARTE WALTER KING JONES, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1154964 IN THE 176TH 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 was convicted of possession of cocaine and sentenced to 60 days' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because after he pleaded guilty a lab report showed that the material he possessed was not a controlled substance. The trial court made findings of fact, concluded that Applicant's plea was involuntary, and recommended that this Court grant relief. Applicant is entitled to relief. *See Ex parte Mable*, 443 S.W.3d 129, 131 (Tex. Crim. App.

2014).

Relief is granted. The judgment in cause number 1154964 in the 176th District Court of Harris County is set aside, and if in custody, Applicant is remanded to the custody of the Sheriff of Harris County 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: June 06, 2018
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