



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,376-02

EX PARTE JOSE ANGEL HERNANDEZ-MENDOZA, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 164728B IN THE 452ND DISTRICT COURT
FROM MASON 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 a controlled substance and sentenced to twenty years' imprisonment. The Fourth Court of Appeals dismissed his appeal. *Hernandez-Mendoza v. State*, No. 04-18-00353-CR (Tex. App.—San Antonio Oct. 31, 2018) (not designated for publication).

Applicant contends, among other things, that the State failed to disclose a report prepared by the Texas Department of Public Safety's Crime Laboratory showing that a yellow ziplock baggie contained .40 grams of methamphetamine. We remanded this application for responses from the

prosecutor and guilty-plea counsel and for findings of fact and conclusions of law from the trial court.

On remand, the trial court found that the State failed to disclose the laboratory report before Applicant pleaded guilty, concluded that the report was material, and recommended that we grant Applicant a new trial. We agree. Relief is granted. The judgment in cause number 164728 in the 452nd District Court of Mason County is set aside, and Applicant is remanded to the custody of the Sheriff of Mason 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.

Filed: October 02, 2019
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