



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,409-01

EX PARTE ANGEL GONZALEZ, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W12-33681-T(A) IN THE 283RD DISTRICT COURT
FROM DALLAS 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 3 years' imprisonment. He did not appeal his conviction.

Applicant contends that his plea was involuntary because the parties had agreed to dismiss the drug free zone finding, but they neglected to follow through with the dismissal before the judgment was entered.

Trial counsel filed an affidavit with the trial court. Based on that affidavit, the trial court determined that Applicant's plea was involuntary and relief should be granted. We agree that

Applicant is entitled to relief. *Ex parte Huerta*, 692 S.W.2d 681 (Tex. Crim. App. 1985).

Relief is granted. We order the trial court to reform the judgment in Cause No. F12-33681-T in the 283rd District Court of Dallas County, deleting the drug free zone finding.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and Pardons and Paroles Division.

Delivered: October 30, 2019

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