



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-90,902-01

EX PARTE RAY EDWARD DIXON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1383372-A IN THE 174TH DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam. Keasler and Yeary, JJ. concur.

OPINION

Applicant pleaded guilty and was convicted of possession of a controlled substance and sentenced to three years' imprisonment. He did not appeal his conviction. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that his plea was involuntary because he was not made aware of a lab report showing that he possessed less than the required four grams of controlled substance to sustain the charge. Based on the record, the trial court has determined that Applicant's plea was involuntary.

Relief is granted. *Ex parte Mable*, 443 S.W.3d 129 (Tex. Crim. App. 2014), *Brady v. United States*, 397 U.S. 742 (1970). The judgment in cause number 1383372 in the 174th 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 ten days from the date of this Court's mandate.

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

Delivered: February 26, 2020
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