



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-92,688-01

EX PARTE BRANDY HOPE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 25,990-A IN THE 258TH DISTRICT COURT
FROM POLK COUNTY**

Per curiam.

OPINION

Applicant was convicted of possession of controlled substance and sentenced to twenty-five years' imprisonment. She did not appeal this 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 plea was involuntary because the agreement was that she was going to receive shock probation, but that agreement could not be followed. The State agrees that the plea bargain made in this case could not be followed. Based on the record, the trial court has determined that Applicant's plea was involuntary and recommends that the Court grant relief.

Relief is granted. *Brady v. United States*, 397 U.S. 742 (1970). The judgment in cause

number 25,990 in the 258th District Court of Polk County is set aside, and Applicant is remanded to the custody of the Sheriff of Polk 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: June 9, 2021
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