



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,475-01

EX PARTE TONY EMIL LOVE JR, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1408920-A IN THE 232nd DISTRICT COURT FROM HARRIS COUNTY**

***Per curiam.* YEARY, J. filed a dissenting opinion in which KELLER, P.J., joined. KEEL, J. did not participate.**

OPINION

Applicant pleaded guilty, was convicted of possession of marijuana, and sentenced to thirteen months' imprisonment in this cause. 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 aware of a lab report showing that he possessed less than the required four ounces of marijuana 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 140892001010 in the 232nd District

Court of Harris County is set aside, and Applicant is remanded to the custody of the Sheriff of Harris County to answer the charge 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: April 3, 2024
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