



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-80,090-01**

**EX PARTE ROSA SADE BATTS, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1355491-A IN THE 351<sup>ST</sup> DISTRICT COURT  
FROM HARRIS COUNTY**

*Per curiam.*

### O P I N I O N

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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pleaded guilty and was convicted of possession of cocaine more than four grams but less than two hundred grams and sentenced to two years' imprisonment. She did not appeal her conviction.

After Applicant pleaded guilty and was sentenced, the lab report from the police department revealed that there was no controlled substance in the evidence seized from Applicant. Applicant alleges that the lab report shows that she is actually innocent offense for which she has been

convicted.

The trial court has determined that Applicant has established that she is actually innocent of the offense for which she was convicted. The State and the trial court both recommend granting relief. Applicant is entitled to relief.

Relief is granted. The judgment in Cause No. 1355491 in the 351<sup>st</sup> Judicial District Court of Harris County is set aside, and Applicant is remanded to the Harris County Sheriff to answer the charge against her. 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.

Delivered: September 11, 2013  
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