IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-79,492-01

EX PARTE COREY ANTHONY LOVE, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 1084114-A CR IN THE 174TH 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 a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant pled guilty to a state jail level offense of possession of a controlled substance, and he was sentenced to two hundred and ten days in the Harris County Jail pursuant to TEX. PENAL CODE ANN. § 12.44(a).[1] He did not appeal his conviction.

[1] The Applicant has discharged this sentence, but he has sufficiently alleged that he is suffering from, or could suffer from, collateral consequences as a result of this conviction. *Ex parte Harrington*, 310 S.W.3d 452 (Tex. Crim. App. 2010).

Applicant contends that newly-available evidence proves that he is actually innocent of the offense. After he pled guilty to this offense, the Houston Police Department Crime Laboratory issued a report indicating that laboratory analysis of the evidence detected no controlled substance.

The trial court has determined that undisputed facts show that Applicant is actually innocent of the offense for which he was convicted. *Ex parte Tuley*, 109 S.W.3d 388 (Tex. Crim. App. 2002).

Relief is granted. The judgment in Cause No. 1084114-A in the 174th District Court of Harris County is set aside.

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

Delivered: June 5, 2013
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