



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-60,218-02

EX PARTE CHRISTOPHER GEORGE ARNONE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W02-01999-I(B) IN THE CRIMINAL DISTRICT COURT NO. 2
FROM DALLAS COUNTY**

Per curiam.

OPINION

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 was convicted of injury to a child and sentenced to fifteen years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Arnone v. State*, No. 05-03-01165-CR (Tex. App.—Dallas Jan. 28, 2004)(not designated for publication).

Applicant contends that the revocation of his deferred adjudication supervision was improper because it was based on the failure of polygraph tests which led to his dismissal from sex offender

treatment. *See Leonard v. State*, 385 S.W.3d 570 (Tex. Crim. App. 2012).

The trial court has determined that the sole basis for the adjudication of Applicant's guilt was his dismissal from sex offender treatment which was based on failing two polygraph tests and therefore Applicant is entitled to relief.

Relief is granted. The adjudication of guilt in Cause No. F02-01999-I in the Criminal District Court No. 2 of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas. 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: October 7, 2015
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