



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-67,912-04

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**EX PARTE JEREMIAH DISNARD, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W08-53674-N(C) IN THE 195<sup>TH</sup> DISTRICT COURT  
FROM DALLAS COUNTY**

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*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 pleaded guilty and was convicted of possession of a controlled substance and sentenced to twelve years' imprisonment. He did not appeal his conviction.

Applicant contends that his trial counsel rendered ineffective assistance because he failed to investigate Applicant's claim that the drugs were planted by law enforcement. He also alleges that the State withheld material exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83

(1963).

The trial court has determined that trial counsel's performance was deficient and that the State violated their duty to disclose evidence. The State agrees. Relief is granted. The judgment in Cause No. F-0853674-N in the 195<sup>th</sup> District Court of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County to answer the charges as set out in the indictment. 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 14, 2015  
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