



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-46,766-07

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**EX PARTE ROBERT LEE COOPER, JR. , Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W99-23389-L(F)  
IN THE CRIMINAL DISTRICT COURT NO. 5  
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 was convicted of aggravated sexual assault of a child under 14 and sentenced to life imprisonment. The Fifth Court of Appeals affirmed his conviction. *Cooper v. State*, No. 05-00-00707-CR (Tex. App.—Dallas May 8, 2001) (not designated for publication).

Applicant contends that material false evidence was introduced at his trial. His writ application also raised actual innocence, but habeas counsel subsequently withdrew that ground,

waiving the issue. The State agrees that Applicant is entitled to habeas corpus relief due to false evidence.

The trial court has determined that Applicant is entitled to relief. Based on this Court's independent review of the record, we agree with the trial court's recommendation. Relief is granted. The judgment in Cause No. F-9923389-IL in the Criminal District Court No. 5 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: June 27, 2018  
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