



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-93,662-01

EX PARTE TERRY LEE YEARLING, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W20-60819-V(A) IN THE 292nd DISTRICT COURT
FROM DALLAS COUNTY**

Per curiam. YEARY, J., filed a dissenting opinion in which KELLER, P.J., joined.

OPINION

Applicant was convicted of unlawful possession of a firearm by a felon and sentenced to three years' imprisonment. He did not appeal his conviction. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends, among other things, that his plea was involuntary because it was induced by material misrepresentations by law enforcement officers in their probable cause affidavit and incident reports that the search and subsequent discovery of the firearm in Applicant's hotel room were done legally. Based on the record, the trial court has determined that Applicant's plea was involuntary.

Relief is granted. *Brady v. United States*, 397 U.S. 742 (1970). The judgment in cause number F-20-60819-V in the 292nd 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 ten days from the date of this Court's mandate.

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

Delivered: May 25th, 2022
Do not publish