



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. AP-76,805**

**EX PARTE DARRYL WASHINGTON, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. F94-61422-TQ  
IN THE 204<sup>TH</sup> JUDICIAL DISTRICT COURT FROM DALLAS 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 writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated robbery and sentenced to ninety-nine years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Washington v. State*, No. 05-96-00638-CR (Tex. App.—Dallas, September 22, 1998).

Applicant has now obtained affidavits and testimony from four men who admit that they are the perpetrators of the instant offense and Applicant was not involved in any way. Applicant alleges that these sworn statements show that he is actually innocent of the offense for which he is

convicted.

The trial court has determined that the newly obtained statements are credible and that Applicant has proven that he is actually innocent. The State and the trial court both recommend granting relief. Applicant is entitled to relief on the basis of actual innocence.

Relief is granted. The judgment in Cause No. F94-61422-TQ in the 204<sup>th</sup> Judicial District Court of Dallas County is set aside, and Applicant is remanded to the Dallas County Sheriff to answer the charge against him.

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

Delivered: May 23, 2012  
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