



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-45,641-02

EX PARTE JACK WASHMON, AKA JACK EUGENE WASHBURN, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 07-CR-0724-B IN THE 117TH DISTRICT COURT
FROM NUECES COUNTY

Per curiam.

ORDER

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 one count of possession of heroin and two counts of possession of cocaine and was sentenced to imprisonment for thirty-eight, thirty-three, and twenty-five years. The Thirteenth Court of Appeals affirmed his convictions. *Washmon v. State*, No. 13-08-00216-CR (Tex. App.—Corpus Christi-Edinburg April 29, 2010, pet. ref'd).

Applicant contends, among other things, that he was denied due process by the admission of false testimony. In its answer, the State asserted that this claim was not reviewable in an

application for a writ of habeas corpus. The trial court made findings of fact and conclusions of law, specifically finding the assertions in the State's answer correct, and recommended that we deny relief. We agree with the trial court's recommendation but decline to adopt its finding that the assertions in the State's answer are correct. Applicant's false testimony claim is reviewable in an application for a writ of habeas corpus. *Ex parte Fierro*, 934 S.W.2d 370 (Tex. Crim. App. 1996).
Relief is denied.

Filed: February 8, 2012

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