



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-20,460-02

EX PARTE GARY ALVIN RICHARD, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 481571-A IN THE 262ND DISTRICT COURT
FROM HARRIS COUNTY

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 by a jury of aggravated robbery and sentenced to life imprisonment. The First Court of Appeals affirmed his conviction. *Richard v. State*, No. 01-87-01004-CR (Tex. App.—Houston [1st Dist.] Oct. 20, 1988).

Applicant contends that his conviction was obtained through the use of material, false testimony given by a prosecution witness at trial. Relying on a laboratory analysis of Applicant's blood sample, the State concedes that the testimony was false and material to the conviction, and the trial court recommends that relief be granted. *See Ex parte Weinstein*, 421 S.W.3d 656 (Tex. Crim.

App. 2014). The State agrees that relief should be granted. The habeas record supports the trial court's recommendation and findings, which this Court adopts.

Relief is granted. The judgment in Cause No. 481571 in the 262nd District Court of Harris County is set aside, and Applicant is remanded to the custody of the Sheriff of Harris 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: July 1, 2015
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