



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-82,146-01

EX PARTE SAMANTHA ANNE WATSON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. CR13-0527-01 IN THE 43rd DISTRICT COURT
FROM PARKER 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 of theft from an elderly individual and sentenced to two years' imprisonment. She did not appeal her conviction.

Applicant contends that she is actually innocent of committing the offense in this cause because the real alleged victim in this case was not sixty-five years of age.

While we do not find that Applicant's claim of actual innocence is supported by the habeas record, we do find the record supports a claim that Applicant is guilty only of a lesser-included

offense and that she is ineligible for the sentence pronounced in this cause. Applicant is entitled to relief. *State v. Wilson*, 324 S.W.3d 595 (Tex. Crim. App. 2010).

Relief is granted. The judgment in Cause No. CR13-0527-01 in the 43rd District Court of Parker County is set aside, and Applicant is remanded to the custody of the Sheriff of Parker 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: March 18, 2015

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