



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-83,749-01**

**EX PARTE CARLOS FLORES, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 2010CR1571-W1 IN THE 290TH DISTRICT COURT  
FROM BEXAR COUNTY**

*Per curiam. Yeary, J., not participating.*

### 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 pleaded guilty to assault on a public servant in exchange for deferred adjudication community supervision. He was later adjudicated guilty and sentenced to three years' imprisonment. He waived his right to appeal the conviction.

Applicant contends, among other things, that the State failed to disclose favorable evidence to the defense at the time of his original plea. Specifically, Applicant alleges that the arresting

officer and complainant in this case was suspended for 30 days for misconduct in connection with Applicant's case. This information was not disclosed to the defense before Applicant entered his plea, and is consistent with Applicant's contention that he did not intentionally or knowingly assault the officer.

The trial court conducted a habeas hearing, and the parties agree that the information regarding the disciplinary action against the arresting officer should have been but was not disclosed to the defense in this case. *Brady v. Maryland*, 373 U.S. 83 (1963); *Kyles v. Whitley*, 514 U.S. 419 (1995). Relief is granted. The judgment in Cause No. 2010CR1571 in the 290th District Court of Bexar County is set aside, and Applicant is remanded to the custody of the Sheriff of Bexar 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: September 16, 2015  
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