



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-82,034-01 & WR-82,034-02

EX PARTE RONALD J. EUBANKS, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NO. W92-67690-N(A) IN THE 195TH DISTRICT COURT
FROM DALLAS 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 these applications for writs of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated sexual assault and sentenced to ten years' imprisonment. He did not appeal his conviction.

Applicant contends that he is actually innocent, his no contest plea was involuntary, and on the preponderance of the evidence, he would not have been convicted in light of new scientific evidence. *See* TEX. CODE CRIM. PROC. art. 11.073.

On May 18, 2016, we filed and set the -01 application for submission to determine whether

Applicant's Article 11.073 claim was meritorious. After we filed and set that application, Applicant filed a supplemental ground in the trial court, which we designated as the -02 application. That application, together with the trial court's findings of fact and conclusions of law, has been forwarded to the Court.

In the -02 application, Applicant contends that his plea was rendered involuntary because, among other things, when he pleaded no contest, he could not read and write and the plea papers were not read to him. The trial court made findings of fact and concluded that Applicant's plea was rendered involuntary. The trial court recommended that we grant relief.

We agree and find that Applicant's plea was rendered involuntary because when he pleaded no contest, he could not read and write and the plea papers were not read to him. Relief is granted. The judgment in cause number F-9267690-MN in the 195th District Court of Dallas County is set aside, and if in custody, Applicant is remanded to the custody of the Sheriff of Dallas 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: December 7, 2016

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