



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-86,719-01

EX PARTE JESSE RYAN GRIFFITH, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 2003-403,223-A IN THE 364TH DISTRICT COURT
FROM LUBBOCK COUNTY**

Per curiam. YEARY, J., filed a concurring opinion.

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 and sentenced to twelve months' imprisonment. He did not appeal his conviction.

In a single ground, Applicant contends that his guilty plea was induced by false evidence and violates due process. The trial court made findings of fact and conclusions of law and recommended that we grant relief.

Relief is granted. The judgment in cause number 2003-403223 in the 364th District Court

of Lubbock County is set aside, and, if in custody, Applicant is remanded to the custody of the Sheriff of Lubbock 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: October 18, 2017
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