



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS.

WR-64,739-07

WR-64,739-08

WR-64,739-09

EX PARTE QUINTIN LEE ALONZO, Applicant

**ON APPLICATIONS FOR WRITS OF HABEAS CORPUS
CAUSE NOS. W01-74583-L(C), W01-74561-L(C), AND W01-74559-L(C)
IN THE CRIMINAL DISTRICT COURT NO. 5 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 murder and two aggravated assaults and sentenced to imprisonment. The Dallas Court of Appeals affirmed the convictions. *Alonzo v. State*, Nos. 05-03-00234-CR, 05-03-00235-CR, and 05-03-00654-CR (Tex. App.—Dallas del. Jul. 26, 2004).

Applicant contends, *inter alia*, that he is actually innocent of shooting the three victims. *Ex*

parte Elizondo, 947 S.W.2d 202 (Tex. Crim. App. 1996); *Ex parte Franklin*, 72 S.W.3d 671 (Tex. Crim. App. 2002), citing *Herrera v. Collins*, 506 U.S. 390 (1993) and *Schlup v. Delo*, 513 U.S. 298 (1995). In support, Applicant presents the confession of Licho Escamilla and evidence supporting the confession. The trial court finds, “Licho Escamilla, and not Applicant, shot and killed Santos Gauna, and shot Israel and Cynthia Martinez.” The trial court concludes, “Applicant has met his burden of proof—showing by clear and convincing evidence—that he is actually innocent of the cases at issue.” The findings and recommendation are supported by the habeas record.

Relief is granted. The judgments in Cause Nos. F01-74583, F01-74559, and F01-74561, in the Criminal District Court No. 5 of Dallas County, are set aside because Applicant is actually innocent of the offenses. It appears that Applicant is released from incarceration on a habeas bond, but if he is in the custody of Texas prison officials, Applicant is remanded to the custody of the Sheriff of Dallas County. Applicant shall answer the charges as set out in the indictments, and the trial court shall issue any necessary bench warrants and orders within 10 days after the mandate of this Court issues to dispose of Applicant’s cases.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: October 2, 2019
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