



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-89,729-01

EX PARTE CARLOS MANUEL JAILE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 55671-384-1 IN THE 384TH DISTRICT COURT
FROM EL PASO COUNTY**

Per curiam. Keller, P.J. and Keasler, J. dissent.

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 aggravated kidnapping and aggravated sexual assault. He was sentenced to twenty years' imprisonment for the kidnapping and life for the sexual assault. The Eighth Court of Appeals confirmed his convictions. *Jaile v. State*, 836 S.W.2d 680 (Tex. App.—El Paso July 1, 1992).

Applicant contends that the State withheld material exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963). He alleges that lab results from forensic testing in this case and a possible extraneous offense were obtained prior to trial, but not turned over to the defense.

The trial court has determined that the State violated its duty to disclose evidence and that the evidence withheld was material. The trial court recommends granting relief. We agree.

Relief is granted. The judgment in Cause No. 55671 in the 65th District Court of El Paso County is set aside, and Applicant is remanded to the custody of the Sheriff of El Paso 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: July 3, 2019
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