



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-75,134-03**

**EX PARTE DANA ABDOLAHI DAMANEH, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. W05-00507-W (C) IN THE 363<sup>RD</sup> DISTRICT COURT  
FROM DALLAS COUNTY**

*Per curiam.*

### OPINION

Applicant was convicted of aggravated robbery and sentenced to forty years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Damaneh v. State*, No. 05-05-01312-CR (Tex. App.—Dallas Mar. 3, 2007)(not designated for publication). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that the prosecution did not turn over a statement by a witness which could have been used by the defense to challenge the State's theory of the case. Based on the record, the trial court has determined that Applicant is entitled to relief in the form of a new punishment hearing.

We agree. Relief is granted. *Ex parte Kimes*, 872 S.W.2d 700, 702-703 (Tex. Crim. App. 1993). The sentence in cause number F05-00507-TW in the 363<sup>rd</sup> District Court of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County for a new punishment hearing. The trial court shall issue any necessary bench warrant within ten days from the date of this Court's mandate.

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

Delivered: March 11, 2020  
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