



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-78,077-02

EX PARTE JAMES BOYD HARRIS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1223792-B IN THE 232ND DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam. YEARY, J., filed a concurring opinion joined by KELLER, P.J. and SLAUGHTER, J. KEEL, J., did not participate.

OPINION

Applicant was convicted of manufacturing or delivering cocaine, over 400 grams, and sentenced to 25 years' imprisonment. The First Court of Appeals affirmed the judgment as modified. *Harris v. State*, No. 01-10-00319-CR (Tex. App.—Houston[1st], May 19, 2011). 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 he is actually innocent. Based on the record, the trial court has determined that Applicant has established by clear and convincing evidence that he is actually innocent.

We agree. Relief is granted. *Ex parte Elizondo*, 947 S.W.2d 202 (Tex. Crim. App. 1996); *Ex parte Tuley*, 109 S.W.3d 388 (Tex. Crim. App. 2002). The judgment in cause number 1223792 in the 232nd District Court of Harris County is set aside.

Delivered: September 15, 2021
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