



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**NO. WR-92,544-01**

**EX PARTE FREDERICK JERMAINE JEFFERY, Applicant**

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1528672-A IN THE 182ND DISTRICT COURT  
FROM HARRIS COUNTY**

*Per curiam.*

### OPINION

Applicant was convicted of possession of a controlled substance and sentenced to twenty-five years' imprisonment. The First Court of Appeals affirmed his conviction. *Jeffery v. State*, No. 01-18-00320-CR (Tex. App. — Houston [1<sup>st</sup> Dist.] February 21, 2019) (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, among other things, that he was convicted on the basis of false evidence and testimony from former Houston Police Officer Gerald Goines. Based on the record, the trial court has determined that Goines conducted fictional drug buys, provided false information in the affidavit for the search warrant, and testified falsely at Applicant's trial that Applicant had admitted

ownership of a cell phone found in close proximity to the drugs in this case. The trial court finds that the false evidence and testimony provided by Gerald Goines was material, in that there is a reasonable likelihood that the false evidence and testimony affected the judgment of the jury.

We agree. Relief is granted. *Ex parte Weinstein*, 421 S.W.3d 656 (Tex. Crim. App. 2014); *Ex parte Chavez*, 371 S.W.3d 200 (Tex. Crim. App. 2012). The judgment in cause number 152867201010 in the 182nd District Court of Harris County is set aside, and Applicant is remanded to the custody of the Sheriff of Harris County to answer the charges as set out in the indictment. 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: September 7, 2022  
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