



# IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NOS. WR-93,690-01 & WR-93,690-02

**EX PARTE BRUCE ERWIN LEADON, Applicant**

ON APPLICATIONS FOR WRITS OF HABEAS CORPUS  
CAUSE NOS. 1134275-B & 1134276-B IN THE 178TH DISTRICT COURT  
FROM HARRIS COUNTY

*Per curiam.* YEARY, J., dissented.

## OPINION

Applicant was convicted of two counts of aggravated robbery with a deadly weapon and sentenced to sixty years' imprisonment. The First Court of Appeals affirmed his convictions. *Leadon v. State*, 332 S.W.3d 600 (Tex. App.—Houston [1st Dist.] 2010). Applicant filed these applications for writs of habeas corpus in the county of conviction, and the district clerk forwarded them to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he is actually innocent and also entitled to relief pursuant to article 11.073 of the Texas Code of Criminal Procedure. Applicant has not met his burden to obtain relief based on actual innocence. However, based on the record, the trial court has determined that Applicant has established by a preponderance of the evidence that he would not have been convicted

if the new scientific evidence had been presented at trial.

We agree. Relief is granted. TEX. CODE CRIM. PROC. art. 11.073. The judgments in cause numbers 1134275-B and 1134276-B in the 178th District Court of Harris County are set aside, and Applicant is remanded to the custody of the Sheriff of Harris County to answer the charges as set out in the indictments. 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:  
Do not publish

July 27<sup>th</sup>, 2022