



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-28,073-02

EX PARTE JAMES REYOS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. A-14,583-B IN THE 70TH DISTRICT COURT
FROM ECTOR COUNTY**

Per curiam. YEARY, J., filed a concurring opinion.

OPINION

Applicant was convicted of murder and sentenced to 38 years' imprisonment. The Eighth Court of Appeals affirmed his conviction. *Reyes v. State*, No. 08-83-0026-CR (Tex. App.—El Paso, Nov. 21, 1984). 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 A-14,583

in the 70th District Court of Ector County is set aside, and Applicant is remanded to the custody of the Sheriff of Ector 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: October 4, 2023
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