



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-95,123-01

EX PARTE DAMIAN KARL MCGINNIS, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 1405940-A IN THE 262ND DISTRICT COURT
FROM HARRIS COUNTY**

Per curiam.

OPINION

Applicant was convicted of manufacture/delivery of a controlled substance and sentenced to seven months' imprisonment. He did not appeal his conviction. 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 raises claims of false evidence and involuntary plea related to the discovery of prior misconduct by former Houston Police Officer Gerald Goines, who was the sole witness against Applicant in his case. The trial court adopted the parties' agreed findings of fact and conclusions of law recommending that Applicant be granted relief. *Ex parte Mathews*, 638 S.W.3d 685 (Tex. Crim. App. 2022); *Ex parte Coty*, 418 S.W.3d 597 (Tex. Crim. App. 2014). We agree.

Relief is granted. The judgment in cause number 140594001010 in the 232nd 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: October 4, 2023
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