



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,822

EX PARTE RAYMOND JACKSON, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. W83-95875-U
IN THE 291ST DISTRICT COURT FROM DALLAS COUNTY

Per curiam.

O P I N I O N

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of aggravated sexual assault and sentenced to ninety-nine years' imprisonment. The Fifth Court of Appeals affirmed his conviction. *Jackson v. State*, No. 05-84-00097-CR (Tex. App.—Dallas, delivered May 2, 1985, *pet. ref'd*).

Applicant contends that he has newly discovered evidence that he is actually innocent of this offense. The trial court has determined that no rational jury would have convicted Applicant in light

of the new evidence, which was previously unavailable to Applicant. The evidence, obtained pursuant to post-conviction DNA testing and investigation, indicates that it was another individual, and not Applicant, who committed this offense. Applicant is actually innocent of this offense and is therefore entitled to relief. *Ex parte Elizondo*, 947 S.W.2d 202, 209 (Tex. Crim. App. 1996).

Relief is granted. The judgment in Cause No. F83-95875-U in the 291st District Court of Dallas County is set aside, and Applicant is remanded to the custody of the Sheriff of Dallas County to answer the charge against him.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Parole Division.

Delivered: June 20, 2012
Do Not Publish