IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,457

EX PARTE ANDRE D. HAYGOOD, Applicant

ON APPLICATION FOR A WRIT OF HABEAS CORPUS CAUSE NO. 2000-CR-0906 IN THE 186TH DISTRICT COURT FROM BEXAR 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 murder and sentenced to life imprisonment. The Fourth Court of Appeals affirmed his conviction. *Haygood v. State*, 127 S.W.3d 805, 813 (Tex. App.–San Antonio 2003, pet. ref'd).

Applicant contends, *inter alia*, that he is actually innocent of the crime.

The trial court has determined that the Applicant has proven by clear and convincing evidence that no reasonable juror would have convicted him in light of newly discovered evidence

of the recantation of an eyewitness identification. We agree with the trial court. Therefore, based on the trial court's findings and conclusions and our own review of the entire record, we find that Applicant is entitled to relief. The judgment of conviction in Case No. 2000-CR-0906 from the 186th Judicial District Court of Bexar County is hereby set aside, and Applicant is remanded to the custody of the Sheriff of Bexar County to answer any charges against him. Copies of this opinion shall be sent to the Texas Department of Criminal Justice–Correctional Institutions Division and Pardons and Paroles Division.

Delivered: November 17, 2010
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