IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. AP-76,974

EX PARTE RANDOLPH EUGENE ARLEDGE, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 21,693 IN THE 13TH DISTRICT COURT
FROM NAVARRO 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 a 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 ninety-nine years' imprisonment. The Tenth Court of Appeals affirmed his conviction. *Arledge v. State*, No. 10-84-00079-CR (Tex. App.—Waco 1985, no pet.).

This is a subsequent application for a writ of habeas corpus. Applicant contends that he is actually innocent and that his due process rights were violated because he was convicted based on false testimony. The trial court made findings of fact and conclusions of law and recommended that we grant relief on each of Applicant's grounds. The State agreed. We hold that this application

contains sufficient specific facts establishing that the factual bases of Applicant's grounds were not previously available. TEX. CODE CRIM. PROC. art. 11.07, § 4(a)(1). We also hold that Applicant has established by clear and convincing evidence that he is actually innocent. *Ex parte Elizondo*, 947 S.W.2d 202, 209 (Tex. Crim. App. 1996). Relief is granted. The judgment in cause number 21,693 in the 13th District Court of Navarro County is set aside, and Applicant is remanded to the custody of the Sheriff of Navarro County. It appears that Applicant has been released on bond. TEX. CODE CRIM. PROC. art. 11.65. The trial court shall issue any necessary bench warrant within 10 days after the mandate of this Court issues.

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

Delivered: March 6, 2013
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